

## **EXHIBIT E**



Transcript of the Testimony of

**TRACEY L. GORDON**

November 25, 2024

**NICHOLAS BARONE**

**v**

**TRACEY L. GORDON and CITY OF PHILADELPHIA**

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NICHOLAS BARONE v  
TRACEY L. GORDON and CITY OF PHILADELPHIA

TRACEY L. GORDON

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

|                       |   |                       |
|-----------------------|---|-----------------------|
| NICHOLAS BARONE,      | : | CIVIL ACTION.         |
|                       | : |                       |
| Plaintiff,            | : | No. 2:23-cv-02821-MSG |
|                       | : |                       |
| vs.                   | : |                       |
|                       | : |                       |
|                       | : |                       |
| TRACEY L. GORDON,     | : |                       |
| individually, and     | : |                       |
| CITY OF PHILADELPHIA, | : |                       |
|                       | : |                       |
| Defendants.           | : |                       |
|                       | : |                       |

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Monday, November 25, 2024

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Videotaped Deposition of TRACEY  
L. GORDON, taken pursuant to notice, was held at  
COHEN, PLACITELLA & ROTH, P.C., Two Commerce Square,  
2001 Market Street, Suite 2900, Philadelphia,  
Pennsylvania 19103, commencing at or about 3:38  
p.m., before Tisa R. Francis, Court Reporter -  
Notary Public there being present:

**COPY**

- - -

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1650 Arch Street  
Suite 2210  
Philadelphia, Pennsylvania 19103  
(215) 563-3363

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|---|---|
| <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 COHEN, PLACITELLA &amp; ROTH, P.C.</p> <p>4 BY: JAMES P. GOSLEE, ESQUIRE</p> <p>5 Two Commerce Square</p> <p>6 2001 Market Street</p> <p>7 Suite 2900</p> <p>8 Philadelphia, Pennsylvania 19103</p> <p>9 (215)567-3500</p> <p>10 jgoslee@cpirlaw.com</p> <p>11 Representing Nicholas Barone</p> <p>12</p> <p>13 MARSHALL DENNEHEY WARNER COLEMAN &amp; GOGGIN</p> <p>14 BY: JAHLEE J. HATCHETT, ESQUIRE</p> <p>15 2000 Market Street</p> <p>16 Suite 2300</p> <p>17 Philadelphia, Pennsylvania 19103</p> <p>18 (215)575-2871</p> <p>19 jjhatchett@mdwgc.com</p> <p>20 Representing Tracey L. Gordon and City of</p> <p>21 Philadelphia</p> <p>22</p> <p>23</p> <p>24 A L S O P R E S E N T:</p> <p>25 Lindsay Duphily, Video Specialist</p> | <p>1 THE VIDEOGRAPHER: This is the videotaped</p> <p>2 deposition of Ms. Tracey Gordon, taken by the</p> <p>3 Plaintiff, in the matter of Nicholas Barone,</p> <p>4 Plaintiff, vs. Tracey L. Gordon, individually,</p> <p>5 and the City of Philadelphia, Defendants, Civil</p> <p>6 Action No. 2:23-cv-02821. We're going on the</p> <p>7 record on November 25th, at approximately 3:38</p> <p>8 p.m.</p> <p>9 This deposition is being held at 2001</p> <p>10 Market Street, Philadelphia, PA. The court</p> <p>11 reporter is Tisa Francis, with Reliable</p> <p>12 Reporting. My name is Lindsay Duphily, and I'm</p> <p>13 the Videotape Specialist with Reliable</p> <p>14 Reporting.</p> <p>15 Counsel will now introduce themselves and</p> <p>16 the court reporter will swear in the witness.</p> <p>17 MR. GOSLEE: Jamie Goslee on behalf of the</p> <p>18 Plaintiff, Nicholas Barone.</p> <p>19 MR. HATCHETT: Jahlee Hatchett on behalf</p> <p>20 of the Defendants. Ms. Gordon, if you haven't</p> <p>21 already, now might be a good time to silence or</p> <p>22 put your phone on vibrate.</p> <p>23 <b>THE WITNESS: It is.</b></p> <p>24 MR. HATCHETT: Okay. Thank you.</p> <p>25 - - -</p> |
| Page 3  | Page 5  |
| <p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3</p> <p>4 TRACEY L. GORDON</p> <p>5</p> <p>6 BY MR. GOSLEE 5</p> <p>7</p> <p>8</p> <p>9</p> <p>10 E X H I B I T S</p> <p>11 NUMBER DESCRIPTION PAGE</p> <p>12 Exhibit-1 Performance Evaluation 53</p> <p>13 Exhibit-2 E-mail Exchange 66</p> <p>14 Exhibit-3 E-mail 71</p> <p>15 Exhibit-4 Deposition Transcript 76</p> <p>16 Exhibit-5 Termination Letter 84</p> <p>17 Exhibit-6 Sworn Declaration 90</p> <p>18 Exhibit-7 Memo 109</p> <p>19 Exhibit-8 Sworn Declaration 113</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  | <p>1 TRACEY L. GORDON, after having been first</p> <p>2 duly sworn, was examined and testifies as</p> <p>3 follows:</p> <p>4 - - -</p> <p>5 BY MR. GOSLEE:</p> <p>6 Q. All right. Good afternoon, Ms. Gordon.</p> <p>7 I'll reintroduce myself. I'm Jamie Goslee. I'm</p> <p>8 representing the Plaintiff in this case. We're</p> <p>9 here, obviously, for your deposition. You've done</p> <p>10 this three times now?</p> <p>11 <b>A. I lost count.</b></p> <p>12 Q. All right. You're a professional.</p> <p>13 <b>A. I don't think nobody's a professional.</b></p> <p>14 Q. I'm just kidding about that. All right.</p> <p>15 You've done it a few times. I'm not going to go</p> <p>16 over the lengthy instructions, just a couple</p> <p>17 noteworthy ones.</p> <p>18 <b>A. Okay.</b></p> <p>19 Q. One, only one of us can speak at a time.</p> <p>20 <b>A. Mm-hmm.</b></p> <p>21 Q. So let me finish my question before you</p> <p>22 answer and I'll give you the same courtesy. Okay.</p> <p>23 <b>A. Okay.</b></p> <p>24 Q. Two, you're shaking your head yes, as you</p> <p>25 say "yes" and "no". And that's fine, but keep all</p>   |



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| <p style="text-align: right;">Page 6</p> <p>1 of your answers verbal because we do have a court<br/>2 reporter here taking everything down. Okay.</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. You're here with your counsel today.</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. All right. If I ask you any questions<br/>7 that could potentially elicit any communications you<br/>8 had with Counsel, I don't want you to answer those<br/>9 questions. Okay.</p> <p>10 <b>A. Okay.</b></p> <p>11 Q. All right. If I ask you a question today<br/>12 and you don't understand it or it's confusing, let<br/>13 me know and I'll rephrase the question. Okay.</p> <p>14 <b>A. Okay.</b></p> <p>15 Q. If I ask you a question and you answer it,<br/>16 I'm going to assume that you understood the<br/>17 question. Fair.</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. I don't think we'll be here more than a<br/>20 couple hours. Although, it's coming from a lawyer,<br/>21 so take that for what it's worth. But if at any<br/>22 point you want to take a break, you just let me<br/>23 know. Okay.</p> <p>24 <b>A. Thank you, yes.</b></p> <p>25 Q. All right. Ms. Gordon, you did fire my</p>  | <p style="text-align: right;">Page 8</p> <p>1 <b>A. Yes. Mr. Campion called me -- yeah, he</b><br/>2 <b>did. We had gotten complaints. We were getting</b><br/>3 <b>complaints about the work not getting done. And it</b><br/>4 <b>was just so many complaints about Archives. And</b><br/>5 <b>that particular -- I don't recall the day or the</b><br/>6 <b>time, but I had gotten, you know, either a call from</b><br/>7 <b>Tom Campion and he said that or -- I don't really</b><br/>8 <b>recall if he called me directly or if he delegated</b><br/>9 <b>it to one of the supervisors. But it had gotten to</b><br/>10 <b>me that Nick Barone was refusing to make deliveries.</b></p> <p>11 Q. Was it more than one delivery that he<br/>12 refused to make?</p> <p>13 <b>A. I don't recall how many deliveries, but</b><br/>14 <b>they said he just refused to. I guess, the rotation</b><br/>15 <b>of deliveries. They rotate deliveries and he was</b><br/>16 <b>refusing to make any deliveries. He said he wasn't</b><br/>17 <b>coming to City Hall. That's what I recall being</b><br/>18 <b>told to me.</b></p> <p>19 Q. All right. So if I understand your<br/>20 testimony correctly, there were a lot of issues down<br/>21 at Archives. Mr. Campion called you and said, Nick<br/>22 is refusing to make deliveries. And that call was<br/>23 sort of, like, the final straw for you in terms of<br/>24 your decision to fire Mr. Barone; is that a fair<br/>25 summary?</p>                 |
| <p style="text-align: right;">Page 7</p> <p>1 client, Nicholas Barone, correct?</p> <p>2 <b>A. Yes. Nick Barone was let go, yes.</b></p> <p>3 Q. Okay. Can you tell me why you fired Nick<br/>4 Barone?</p> <p>5 <b>A. Nick Barone refused to do a duty that was</b><br/>6 <b>assigned to him and other things that was going on</b><br/>7 <b>down at the -- in the Archives. And it was more or</b><br/>8 <b>less, like, the final straw. I had gotten a report</b><br/>9 <b>from one of the supervisors down there. And I don't</b><br/>10 <b>recall which supervisor it was at the time. And</b><br/>11 <b>they called to let me know that Nick Barone refused</b><br/>12 <b>to make the deliveries that he was supposed to make</b><br/>13 <b>to City Hall from Archives.</b></p> <p>14 Q. Okay. I'm gonna unpack that. I'll take<br/>15 it one at a time. The first thing you said is, he<br/>16 refused to do a duty and that you learned of that<br/>17 from a supervisor down at Archives?</p> <p>18 <b>A. Yes, I did.</b></p> <p>19 Q. Okay. Do you recall the name of the<br/>20 supervisor?</p> <p>21 <b>A. I'm believing it was Tom Campion.</b></p> <p>22 Q. Tom Campion?</p> <p>23 <b>A. Mm-hmm.</b></p> <p>24 Q. Okay. And what specific -- did<br/>25 Mr. Campion call you directly?</p> | <p style="text-align: right;">Page 9</p> <p>1 <b>A. Yeah. Either -- I don't recall if it was</b><br/>2 <b>a phone call or it was a message that had gotten to</b><br/>3 <b>me from one of the supervisors down there. Or I</b><br/>4 <b>don't even know if Tom Campion was out. Because, at</b><br/>5 <b>one point, Tom Campion had gotten injured and Mark</b><br/>6 <b>Wilson was a temporary supervisor. So I really</b><br/>7 <b>don't recall, at this point, who from Archives</b><br/>8 <b>got -- sent me the information. But that</b><br/>9 <b>information was given to me, that he had refused to</b><br/>10 <b>make deliveries to City Hall from his supervisors.</b></p> <p>11 Q. And his supervisors would have been Tom<br/>12 Campion, or potentially if he was out with an<br/>13 injury, it would have been Mark Wilson?</p> <p>14 <b>A. Yeah, Mark stepped in as a temporary. So</b><br/>15 <b>it would be the Tom Campion. Tom Campion got</b><br/>16 <b>injured, or it was Mark Wilson. I don't recall.</b></p> <p>17 Q. Okay. It was one of the two. And if Tom<br/>18 Campion was still working at that time, it would<br/>19 have been him; is that fair?</p> <p>20 <b>A. Yes, it would have been Tom Campion. Yes.</b></p> <p>21 Q. All right. What day was it that<br/>22 Mr. Campion or Mr. Wilson, whoever it was, called<br/>23 you or came to you and told you that Nick was<br/>24 refusing to make deliveries?</p> <p>25 <b>A. I don't remember the day that they came to</b></p> |

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| <p style="text-align: right;">Page 10</p> <p>1 me. I don't remember how the message came to me,<br/>2 whether it came from -- because at times I would<br/>3 send Keith Harris, who was my driver and one of my<br/>4 deputies, I would send him down there to see what<br/>5 was going on. Because we were getting, like, a<br/>6 whole bunch of complaints about Archives and inner<br/>7 fighting between I believe it was Nick and Mark. It<br/>8 was a whole bunch inner fighting.<br/>9 And I just kept getting complaints<br/>10 after complaints about Archives not finding files,<br/>11 not delivering files and not performing their work.<br/>12 So I just kept getting calls. And then -- about the<br/>13 work. And then I don't recall who gave me -- either<br/>14 it was Mark Wilson or Tom Campion, they were going<br/>15 there. And I think it was around -- I was walking<br/>16 upstairs in the Marriage Department on 4th floor.<br/>17 And if I recall -- I really don't recall. It just<br/>18 was so long ago. I really don't recall. But I do<br/>19 know that was -- made me say, okay, if he's not<br/>20 gonna do the work and he's not doing it so then, you<br/>21 know, dismiss him.<br/>22 Q. Okay. Let's set aside the general issues<br/>23 with the Archive Department. I just want to focus<br/>24 on this communication from Mr. Wilson or Mr. Campion<br/>25 about my client, Nick Barone. The day that either</p> | <p style="text-align: right;">Page 12</p> <p>1 notified by either Mr. Wilson or Mr. Campion about<br/>2 my client?<br/>3 A. I was -- I believe if -- I believe that I<br/>4 was -- because normally I would do my walk-arounds.<br/>5 And I believe that I may have been going to the<br/>6 Marriage Department. I know I wasn't sitting in my<br/>7 office. I know it didn't come there. I do believe<br/>8 I ran into, like, one of the supervisors who was<br/>9 delivering mail. I don't recall specifically that<br/>10 many years ago.<br/>11 Q. Who was there with you when you were told<br/>12 that my client was refusing to make deliveries?<br/>13 A. I believe it was -- I believe it was -- I<br/>14 -- I don't recall who was with me. If anybody would<br/>15 have been with me who walks around with me, it may<br/>16 have been Keith Harris. It may have been Keith<br/>17 Harris.<br/>18 Q. You don't have a recollection of that,<br/>19 though, is that what you're saying?<br/>20 A. No, I don't have recollection. Not -- no,<br/>21 I apologize. I don't.<br/>22 Q. Okay.<br/>23 MR. HATCHETT: May I before your next<br/>24 question. Ms. Gordon, I'll just remind you not<br/>25 to guess.</p> |
| <p style="text-align: right;">Page 11</p> <p>1 one of those supervisors told you that Nick was<br/>2 refusing to make deliveries, do I understand your<br/>3 testimony, you don't recall what specific day that<br/>4 was?<br/>5 A. No, I don't.<br/>6 Q. Do you know what month it was?<br/>7 A. No, I don't.<br/>8 Q. My client, I'll represent to you, was<br/>9 terminated on January 7th of 2022. Do you recall<br/>10 whether this occurred where the supervisors came to<br/>11 you about Nick Barone and complained about him not<br/>12 making deliveries? Do you recall whether it was in<br/>13 2021 or early 2022?<br/>14 A. I don't recall that far back.<br/>15 Q. Okay. You said that you -- let me ask<br/>16 this other question. Do you recall what time of day<br/>17 it was? Was it the morning, was it the afternoon?<br/>18 A. I don't recall the time of day. I know it<br/>19 wasn't in the morning. I know it wasn't in the<br/>20 morning. I don't remember the day or the time.<br/>21 Q. Okay.<br/>22 A. No.<br/>23 Q. You do -- I think you have some<br/>24 recollection of potentially being in the Marriage<br/>25 Department when this occurred, when you were</p>  | <p style="text-align: right;">Page 13</p> <p>1 THE WITNESS: Okay.<br/>2 MR. HATCHETT: If you need to estimate,<br/>3 you can estimate, but don't guess.<br/>4 THE WITNESS: Okay.<br/>5 MR. HATCHETT: Respectively.<br/>6 THE WITNESS: Yeah, well, I don't recall.<br/>7 BY MR. GOSLEE:<br/>8 Q. Okay. Fair enough. Did Nick say why he<br/>9 was refusing to make deliveries?<br/>10 A. No.<br/>11 Q. Did anybody ask him, hey, Nick, why are<br/>12 you refusing to make deliveries?<br/>13 A. I'm not sure if anybody asked him.<br/>14 Q. Fair to say you didn't contact Nick and<br/>15 ask him why he wasn't making deliveries?<br/>16 A. No, I didn't.<br/>17 Q. Okay. In your experience, had Nick ever<br/>18 refused to make deliveries before?<br/>19 A. Not that I know of.<br/>20 Q. All right. So this would have been a<br/>21 one-time occasion where Nick had refused to make<br/>22 deliveries?<br/>23 A. I don't know if it was a one-time<br/>24 occasion. But I know they told me that one time.<br/>25 Q. That's a fair distinction. This is the</p>   |

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| <p style="text-align: right;">Page 14</p> <p>1 first time you had ever heard about Nick refusing to<br/>2 make deliveries?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. But you're not aware of anybody<br/>5 asking why he was refusing to do it; is that right?</p> <p>6 A. I'm not aware.</p> <p>7 Q. Okay. Do you recall specifically what<br/>8 documents Nick was refusing to deliver?</p> <p>9 A. No.</p> <p>10 Q. Do you know where those records were<br/>11 intended to go, the ones that he was refusing to<br/>12 deliver?</p> <p>13 A. No, I don't know where they was supposed<br/>14 to go. They were either gonna go one or two places.<br/>15 They were either gonna go to Marriage Records or<br/>16 they were gonna go to Estate Services. That's the<br/>17 only...</p> <p>18 Q. The only two places you'd be doing --</p> <p>19 A. Normally.</p> <p>20 Q. Okay.</p> <p>21 A. I mean, sometimes, you know, it --<br/>22 sometimes -- yeah, that's where they are. Either it<br/>23 would go to Estate Services or it would go to --<br/>24 like, one of the deputies might call for a record.<br/>25 But on a daily basis, they either are gonna go to</p>  | <p style="text-align: right;">Page 16</p> <p>1 called for a meeting and I came down to see, you<br/>2 know, what grievances they had to try to make them<br/>3 better. And, you know, I took their grievances<br/>4 seriously and I did everything that they asked me to<br/>5 do as far as everybody having a desk, as far as, you<br/>6 know, everybody being -- sitting in COVID distance,<br/>7 making sure that we ordered the proper ladder.<br/>8 Because we were borrowing the ladder from the<br/>9 Records Department, so I made sure we put that order<br/>10 on. And then making sure that they had masks and<br/>11 making sure they had the disinfect. That was one<br/>12 time that I remember that actually Nick called a<br/>13 meeting and I came down and talked to him and made<br/>14 sure that they were taken care of.</p> <p>15 Q. Okay. I'm gonna take -- you said a couple<br/>16 things. I'll just break it down the best I can. I<br/>17 think the first thing you mentioned was, at some<br/>18 point, Nick and Mark Wilson had gotten into some<br/>19 sort of altercation?</p> <p>20 A. I -- that's what they were reporting down<br/>21 there, that they didn't get along. Mark and Nick<br/>22 weren't getting along, they didn't like each other.<br/>23 And, you know, I sent HR down there to see what was<br/>24 going on. I sent my deputies down there to see if<br/>25 everything was okay.</p> |
| <p style="text-align: right;">Page 15</p> <p>1 Marriage Records or they're gonna go to Estate<br/>2 Services.</p> <p>3 Q. Okay. All right. But Nick refusing on<br/>4 this one occasion to deliver records, that was sort<br/>5 of the straw that broke the camel's back and why he<br/>6 was fired. But you did reference some ongoing<br/>7 issues within the Archives Department. Did I<br/>8 understand that testimony correctly?</p> <p>9 A. There had been ongoing issues with the<br/>10 Archives Department, yes.</p> <p>11 Q. Okay. And can you just tell me what, as<br/>12 you recall, those ongoing issues within Archives<br/>13 were?</p> <p>14 A. At one point, they reported to me that<br/>15 Nick and Mark Wilson had gotten into a tussle, a<br/>16 fight or it was, like, a heated argument. They<br/>17 weren't getting along. I had gotten numerous<br/>18 reports over and over that Archives were not<br/>19 finding -- they couldn't find Archives records, and<br/>20 my supervisors would go down there and find them.<br/>21 There were complaints about Tom Campion's management<br/>22 style from our supervisors in both Marriage and<br/>23 Estate Planning. It was just numerous complaints.<br/>24 We had to send HR down there to see<br/>25 what was going on. I believe one time Nick even</p> | <p style="text-align: right;">Page 17</p> <p>1 Q. Who told you that Nick and Mark were not<br/>2 getting along or had an altercation?</p> <p>3 A. I had gotten that report from -- I'm not<br/>4 sure who gave me that report. I don't know if it<br/>5 came from Tom Campion or -- I don't know. I don't<br/>6 remember. It was either -- only reports that I<br/>7 would get is, either it would come from the<br/>8 supervisor down there, Mark Campion, or it would be<br/>9 Keith Harris, who was my driver, who I would often<br/>10 send down there.</p> <p>11 Q. All right. But you mentioned a report.<br/>12 Would this be a written report you had received<br/>13 about Mark and Nick not getting along?</p> <p>14 A. It was verbal.</p> <p>15 Q. It was verbal, but you don't remember who<br/>16 specifically delivered that to you?</p> <p>17 A. No, I don't.</p> <p>18 Q. Was it more than one occasion that you got<br/>19 a report that Mark and Nick were having altercations<br/>20 or disagreements?</p> <p>21 A. I think it was just one time.</p> <p>22 Q. One time. Do you recall whether Mark and<br/>23 Nick received any sort of warning in response to the<br/>24 report of altercations or disagreements between<br/>25 them?</p>  |

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| <p style="text-align: right;">Page 18</p> <p>1 A. I believe they did. I'm not sure if they<br/>2 received any written. I'm not sure. I can't<br/>3 recall.<br/>4 Q. Okay. Would it have been you that<br/>5 provided that warning or someone on your staff?<br/>6 A. It would be -- it would come from HR. And<br/>7 I do know that I reported to HR that they needed to<br/>8 get down there and see what was going on and make<br/>9 sure everything was okay.<br/>10 Q. Was HR at the time Charmaine Collins?<br/>11 A. Yes.<br/>12 Q. Okay. So when you're using the term HR,<br/>13 at this point, you're referring to Charmaine<br/>14 Collins?<br/>15 A. Yes, Charmaine Collins.<br/>16 Q. All right. So that was the report of an<br/>17 altercation that would have come from Charmaine?<br/>18 A. I don't remember if it was the physical,<br/>19 but it was just they didn't get along.<br/>20 Q. All right. Let me change my question so<br/>21 we're speaking the same language. I'm not trying to<br/>22 trick you.<br/>23 A. I know.<br/>24 Q. So, at some point, you received, you<br/>25 believe from Charmaine Collins, a report that Nick</p>   | <p style="text-align: right;">Page 20</p> <p>1 Q. Okay.<br/>2 A. You know. But, you know, people don't get<br/>3 along on they jobs. You know, as long as they don't<br/>4 actually physically get into a fight, you know. And<br/>5 as long as the work is getting done, you know. They<br/>6 worked in a small quarter.<br/>7 Q. Yeah, I got it. So your recollection,<br/>8 though, is that Charmaine Collins would have went<br/>9 down to check out the situation?<br/>10 A. Well, I asked her -- she wouldn't go<br/>11 physically. Because Charmaine was concerned about<br/>12 COVID at the time and she had just had a baby. So<br/>13 she would do most of her stuff, you know, phone or<br/>14 writing. Phone or --<br/>15 Q. E-mail?<br/>16 A. E-mail, yeah.<br/>17 Q. Do you have a recollection of Charmaine<br/>18 reporting back to you that she spoke with Mark and<br/>19 Nick about their disagreements?<br/>20 A. I don't have that specific report, but I<br/>21 had reports about her -- we've gotten reports from<br/>22 Charmaine saying that -- you know, that they had<br/>23 concerns about the workload. And the -- the -- the<br/>24 report as far as them, the altercation, I didn't put<br/>25 that in writing. I didn't have them put that in</p> |
| <p style="text-align: right;">Page 19</p> <p>1 and Mark Wilson were not getting along, correct?<br/>2 A. Not from Charmaine.<br/>3 Q. Okay.<br/>4 A. Not from Charmaine. Charmaine didn't --<br/>5 Charmaine worked remote.<br/>6 Q. Okay.<br/>7 A. Okay. I got -- it was word that I got<br/>8 from Tom Campion. I don't know how it came. Tom<br/>9 Campion would have gave me the report, but it would<br/>10 have came from Keith. Because send Keith -- we<br/>11 would send Keith down there to kind of, you know,<br/>12 see what was going on. I was like, Keith, go down<br/>13 there and see what's going on, make sure<br/>14 everything's okay. And Keith, you know, would come<br/>15 and tell me and Tom Campion told me. And I don't<br/>16 remember the day that I believe it was Nick -- well,<br/>17 yeah, Nick and Mark didn't get along.<br/>18 Q. All right. That report that Mark and Nick<br/>19 didn't get along would have came from Tom Campion to<br/>20 Keith Harris and then from Keith Harris to yourself?<br/>21 A. Yes.<br/>22 Q. Okay. You don't remember when that was,<br/>23 but it was at least one occasion that you recall?<br/>24 A. I remember it was -- yeah, it was just,<br/>25 like, they didn't get along.</p> | <p style="text-align: right;">Page 21</p> <p>1 writing at all.<br/>2 Q. Okay. And was that a conscious decision<br/>3 you made not to put that into writing?<br/>4 A. It was.<br/>5 Q. Why?<br/>6 A. I didn't want a bad report on him. I<br/>7 didn't want -- I didn't feel like -- I didn't want<br/>8 anybody get a bad report like that in their records.<br/>9 Q. Okay.<br/>10 A. If it was just, like, you know, somebody<br/>11 had a bad day.<br/>12 Q. Yeah.<br/>13 A. You know.<br/>14 Q. So your recollection is, you told<br/>15 Charmaine that disagreement, the issue with Mark and<br/>16 Nick disagreeing, you know, talk with them, but<br/>17 don't put that in writing; is that right?<br/>18 A. I did say don't put it in writing. We<br/>19 just never wrote it up, that I can recall.<br/>20 Q. Right. But that was you didn't want that<br/>21 written up because they could have been having a bad<br/>22 day, you didn't want them to have that record?<br/>23 A. Yeah. Because it was a lot of times that<br/>24 when we tried to work things out before taking it in<br/>25 another level or putting it in writing. I was</p>  |

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| <p style="text-align: right;">Page 22</p> <p>1 basically new there so, you know, I -- you know, my<br/>2 style was sort of like I didn't have a punitive<br/>3 style. You know, I didn't want to, you know, every<br/>4 little thing written up when, you know, I figured,<br/>5 you know, they grown men, you know. Maybe Mark had<br/>6 a bad day, maybe he had a bad day. You know, I just<br/>7 used to send Keith down there. Go down there and<br/>8 see what's going on, is everything okay down there.<br/>9 And then he would say, well, everything is going<br/>10 good, you know.<br/>11 Q. Did things improve after that discussion<br/>12 with Nick and Mark about their disagreements?<br/>13 A. I don't know about that issue about Mark<br/>14 and Nick disagreements. I don't know if that -- I<br/>15 just never got anymore reports. However, I know<br/>16 that I constantly got reports about the workload.<br/>17 Like, everything worked smooth in the Register of<br/>18 Wills. But, I mean, we have, like, five guys down<br/>19 there. And I remember I transferred another guy.<br/>20 His name was Keith. I forgot his name. And he was<br/>21 just like, it's a mess, you know. And he was --<br/>22 because we transferred him up. And he just was<br/>23 like -- I was like, you know, what's going on down<br/>24 there, you know. And he was just like, they don't<br/>25 get along. You know, it was -- I think the whole</p> | <p style="text-align: right;">Page 24</p> <p>1 He said he couldn't deal with Tom Campion anymore.<br/>2 He said the work is not getting done. You know, he,<br/>3 you know, constantly said, you know -- you know,<br/>4 they been waiting for work for days and days and it<br/>5 ended up weeks. And Emilio, they would constantly<br/>6 go to Emilio about it and Emilio -- Emilio basically<br/>7 handled everything.<br/>8 Q. Let me ask this question: With respect to<br/>9 Archives generally, was -- I'm hearing two potential<br/>10 issues. One is that there were a lot of complaints.<br/>11 And, two, that the guys working in Archives maybe<br/>12 weren't that productive; is that fair? Is that the<br/>13 two categories of complaints?<br/>14 A. You hit it on the nose.<br/>15 Q. I rarely do that, so I appreciate that.<br/>16 A. Yeah, you hit it on the nose.<br/>17 Q. And Emilio would be one of the guys you'd<br/>18 send down there to try to straighten out the issue<br/>19 of the complaints and productivity; is that right?<br/>20 A. Emilio was the guy.<br/>21 Q. He was the guy. Did Emilio ever come back<br/>22 to you with specific complaints or criticisms of my<br/>23 client, Nick Barone's performance?<br/>24 A. He would come down and just say they're a<br/>25 total mess, everybody. But he wouldn't specifically</p> |
| <p style="text-align: right;">Page 23</p> <p>1 thing was, you know, they used to count how much<br/>2 each of them did. Like, okay, I just got on the<br/>3 lift, now you get on the lift. Okay, I just pulled<br/>4 a file, now you pull a file. So it was really -- I<br/>5 think the gist of the problem came from the top,<br/>6 which was Tom Campion wasn't able, I guess, to<br/>7 manage them or whatever. But it was just constant<br/>8 complaints. Like, Emilio would come to me, like,<br/>9 exhausted, exhausted.<br/>10 Q. Who's Emilio?<br/>11 A. Emilio is -- was one of my chief deputies.<br/>12 Q. Okay.<br/>13 A. Di Gregorio.<br/>14 Q. Emilio Di Gregorio. Do you recall Emilio<br/>15 ever going down to Archives and trying to get the<br/>16 guys working down there, get their issues and<br/>17 complaints straightened out?<br/>18 A. He would actually go down there and do the<br/>19 work.<br/>20 Q. He would do the work?<br/>21 A. He would actually do it. He would do that<br/>22 work for them, actually. And then he just got<br/>23 exhausted. Like, you know, it was a situation, and<br/>24 I know this was put in writing with, Wayne Perry,<br/>25 who was my supervisor. And he was ready to quit.</p>   | <p style="text-align: right;">Page 25</p> <p>1 say anyone's name.<br/>2 Q. Okay. Your recollection is, he never<br/>3 said, you know, Nick is causing some issues down<br/>4 there, he's not being very productive --<br/>5 A. No, no.<br/>6 Q. -- or complaining or anything like that?<br/>7 A. No, he didn't say Nick's name. He didn't<br/>8 specifically say any name. He just was saying that<br/>9 he don't understand why they can't get along and why<br/>10 they can't get the work, the work was sitting right<br/>11 there.<br/>12 Q. Okay. And did he make any<br/>13 recommendations, Emilio, as to how that situation<br/>14 should be handled?<br/>15 A. Yeah. Eventually he said that --<br/>16 eventually he was like dissolve -- he said, we need<br/>17 to get rid of them.<br/>18 Q. Okay. The entire Archives Department?<br/>19 A. Yeah. That's the only -- I wouldn't -- I<br/>20 wouldn't know. Well, by then Nick was gone.<br/>21 Q. Nick had already been terminated at the<br/>22 time Emilio said let's get rid of everybody?<br/>23 A. Yes.<br/>24 Q. Okay. Okay. But in terms of -- and I'm<br/>25 just kind of coming back to it. In terms of</p>   |



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| <p style="text-align: right;">Page 26</p> <p>1 specific complaints about my client, other than the</p> <p>2 complaints that he was refusing to deliver records,</p> <p>3 you don't remember anyone ever saying to you, Nick</p> <p>4 is not being very productive or Nick is complaining</p> <p>5 too much; is that fair?</p> <p>6 A. Yeah. They said him -- Tom Campion</p> <p>7 complained about Nick and he complained about Mark.</p> <p>8 Those are the two that he complained about</p> <p>9 constantly.</p> <p>10 Q. Okay. Tell me what Tom said about Nick?</p> <p>11 A. Him and Mark is always -- not getting --</p> <p>12 him and Mark just can't get along. It's tension</p> <p>13 between them two. And when he said that he refused</p> <p>14 to deliver the product, deliver his work.</p> <p>15 Q. Okay. Okay. So that in terms of Tom</p> <p>16 Campion's complaints about Nick Barone, focusing on</p> <p>17 that for a second, it was Tom and Mark don't get</p> <p>18 along and now Nick's refusing to make deliveries?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And that's all the complaints you</p> <p>21 recall receiving about Nick Barone from Tom Campion;</p> <p>22 is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 A. And particularly individually, yes.</p> | <p style="text-align: right;">Page 28</p> <p>1 might have was talking about -- I think they was</p> <p>2 talking about medical. Because they were concerned</p> <p>3 because they were part time. I think that meeting</p> <p>4 I -- that's when I decided I made them all full</p> <p>5 time, so they could at least have medical, and I</p> <p>6 gave them all raises.</p> <p>7 Q. Prior to this meeting that Nick requested,</p> <p>8 he was working part time, that's your understanding?</p> <p>9 A. Mm-hmm.</p> <p>10 Q. And that you gave -- you made him and</p> <p>11 others full time and you gave them raises; is that</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. The other reasons Nick wanted to</p> <p>15 meet with you is because of COVID sort of safety</p> <p>16 issues?</p> <p>17 A. Safety issues, yes. That's what I meant.</p> <p>18 Q. Those concerns that Nick expressed, were</p> <p>19 they reasonable concerns that he had from your --</p> <p>20 from what you saw?</p> <p>21 A. Yeah. I think, yes, they were.</p> <p>22 Q. All right. Now, when he raised these</p> <p>23 concerns with you, was he, like, polite or, like --</p> <p>24 polite about it, professional about it?</p> <p>25 A. No, no.</p>   |
| <p style="text-align: right;">Page 27</p> <p>1 Q. Okay. Do you know whether prior to Nick's</p> <p>2 termination, whether Tom Campion ever kind of wrote</p> <p>3 up or memorialized Nick's refusal to deliver</p> <p>4 records?</p> <p>5 A. I don't recall if he wrote it up.</p> <p>6 Q. All right. We'll come back to that in a</p> <p>7 second.</p> <p>8 A. Okay.</p> <p>9 Q. I think you said at some point that Nick</p> <p>10 may have called for a meeting with you?</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. Tell me more about that.</p> <p>13 A. He -- and this was right during the COVID.</p> <p>14 It was during -- well, we were the only ones in City</p> <p>15 Hall that were back to work. We were the only one</p> <p>16 in the City, except for the essential workers. And</p> <p>17 but Nick wanted to meet -- he told Keith he'd like</p> <p>18 to meet with me because he had some concerns. And</p> <p>19 the concerns were basically about just COVID and</p> <p>20 making sure that the desk was -- you know, the</p> <p>21 distance, making sure they had, you know, gloves,</p> <p>22 sanitation products.</p> <p>23 Q. Okay.</p> <p>24 A. And so I just went down there and I met</p> <p>25 with them. Because I believe, at that time, they</p>                          | <p style="text-align: right;">Page 29</p> <p>1 Q. Okay. Tell me more.</p> <p>2 A. No. Nick basically kind of -- he kind of</p> <p>3 had a chip on his shoulder a lot. He was rude. He</p> <p>4 was rude. But, I mean, I didn't -- you know, I just</p> <p>5 took it as I'm new, you know what I mean. But he</p> <p>6 had an attitude.</p> <p>7 Q. Did he raise these concerns directly to</p> <p>8 you in person?</p> <p>9 A. Yeah, we were all in a room together.</p> <p>10 Q. Who else was there, do you recall?</p> <p>11 A. Keith Harris was there, Nick, Keith</p> <p>12 Preston was there, Mark Wilson was there. And it</p> <p>13 was another employee, I forget his name, he was</p> <p>14 there. I'm not sure if Rasheen Cruz was there at</p> <p>15 the time. That's who I can recall.</p> <p>16 Q. Okay. And this meeting where Nick was</p> <p>17 somewhat rude about COVID safety issues, this was</p> <p>18 sort of at the beginning of your tenure as Register</p> <p>19 of Wills?</p> <p>20 A. Yeah, it was at the beginning. Because</p> <p>21 when I came on, I came on, like, January the -- I</p> <p>22 think it was the 5th. Then the government got shut</p> <p>23 down, like, three weeks later. And then, like, two</p> <p>24 or three weeks after that, we were back open</p> <p>25 virtually.</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 Q. Yeah.</p> <p>2 A. And so after that then we started</p> <p>3 gradually started coming in. Because we needed --</p> <p>4 you know, we needed attorneys eventually. But we</p> <p>5 had to stay close. So they work -- I think they</p> <p>6 were, like, the last ones to come in. Because the</p> <p>7 lawyers wasn't allowed to come in to get the</p> <p>8 records, so they were the last one. So when he</p> <p>9 called the -- when he called for the meeting, I</p> <p>10 recall that it had a lot to do with safety.</p> <p>11 Q. All right. And, again, his specific</p> <p>12 complaints about safety were reasonable, but his</p> <p>13 delivery of the message to you was perceived by you</p> <p>14 somewhat rude and disrespectful?</p> <p>15 A. I think so, yes.</p> <p>16 Q. Did you ever go over that with him?</p> <p>17 A. Yeah, I -- yeah, I -- not privately. I</p> <p>18 just said, could you tone it down.</p> <p>19 Q. Oh, you said that when the other folks</p> <p>20 were still around?</p> <p>21 A. I said -- yeah. I said, let's talk. Tone</p> <p>22 it down, Nick.</p> <p>23 Q. And did he?</p> <p>24 A. Mm-hmm.</p> <p>25 Q. Okay.</p>  | <p style="text-align: right;">Page 32</p> <p>1 who wasn't. It was what department was the</p> <p>2 in-department and what departments nobody cared</p> <p>3 about. It was -- the morale was pretty low.</p> <p>4 Q. Okay. So when you took over as the</p> <p>5 Register of Wills, as far as you could tell, there</p> <p>6 was no standard procedure for handling</p> <p>7 insubordination or disciplinary issues with</p> <p>8 employees?</p> <p>9 A. None.</p> <p>10 Q. Okay. And did you --</p> <p>11 A. You just got fired.</p> <p>12 Q. You just got fired. Did you then</p> <p>13 implement some standard procedures for handling</p> <p>14 disciplinary and insubordination issues?</p> <p>15 A. We were beginning the process of it. We</p> <p>16 were supposed to meet with the Law Department and</p> <p>17 then COVID happened. We were supposed to meet with</p> <p>18 them monthly and then COVID happened, and then we</p> <p>19 never had any communication with them. And then we</p> <p>20 also was supposed to meet with the Union. And</p> <p>21 because I believe our staff wasn't paying into the</p> <p>22 Union. Because it was FOP. Because that was a big</p> <p>23 deal, too. They didn't really have any time. So we</p> <p>24 didn't have anything basically to establish, you</p> <p>25 know, how we could do disciplinary things.</p>  |
| <p style="text-align: right;">Page 31</p> <p>1 MR. HATCHETT: You have to say "yes" or</p> <p>2 "no".</p> <p>3 THE WITNESS: Yes.</p> <p>4 MR. GOSLEE: Thanks.</p> <p>5 BY MR. GOSLEE:</p> <p>6 Q. Was there any other incidents like that</p> <p>7 where Nick, you recall, specifically spoke to you in</p> <p>8 a rude or disrespectful way or was that a one-time</p> <p>9 occasion that you recall?</p> <p>10 A. That was just a one-time occasion.</p> <p>11 Q. Okay. What was the standard -- in terms</p> <p>12 of your time as Register of Wills in Philadelphia,</p> <p>13 what was the standard procedure for handling</p> <p>14 disciplinary issues or insubordination,</p> <p>15 insubordination issues at the Register of Wills?</p> <p>16 A. When I got there, there weren't any.</p> <p>17 Donatucci was like you're gone. There were no job</p> <p>18 descriptions, there were no salary, there was no</p> <p>19 what-you-call-it, evaluations. There were no --</p> <p>20 there was no communication with employees. The</p> <p>21 office was filthy. It had -- the archives were --</p> <p>22 which it probably still is. A lot of archives is</p> <p>23 probably -- are going to be lost. I went down</p> <p>24 there, the papers was everywhere. The morale was</p> <p>25 low with the staff. It was who was connected and</p> | <p style="text-align: right;">Page 33</p> <p>1 Charmaine was in the process of putting together</p> <p>2 procedure. We had none.</p> <p>3 Q. Okay. And it sounds like, when you took</p> <p>4 over, you began the process of setting up procedures</p> <p>5 for handling employment discipline, but maybe never</p> <p>6 finished that process because of COVID? Did I</p> <p>7 understand that correctly?</p> <p>8 A. Yes. Well, we were supposed to go over</p> <p>9 procedures with the Law Department, but the Law</p> <p>10 Department pretty much we -- like, once COVID shut</p> <p>11 down, the whole city shut down. We were just</p> <p>12 basically working because we turned the office and</p> <p>13 made it essential. Because lawyers are calling</p> <p>14 because people were dying and they needed the</p> <p>15 paperwork. And people was panicking and needed to</p> <p>16 get married. And we pretty much start -- we figured</p> <p>17 out that because we're a Quaker state, that we could</p> <p>18 actually marry people under the Quaker law. So we</p> <p>19 were the only office in the country, probably the</p> <p>20 world, that was actually marrying. We married close</p> <p>21 to 700 people during COVID because of Quaker</p> <p>22 marriage. We did it virtually. We was the first to</p> <p>23 do everything virtual.</p> <p>24 Q. That's interesting.</p> <p>25 A. We trained most of the counties virtually.</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 When all the counties was shut down in Pennsylvania,<br/>2 Philadelphia was the only county that remained open<br/>3 during COVID. We were the first to -- and they<br/>4 continue to do it now. We were the first to do<br/>5 virtual hearings and now they keeping it now. So it<br/>6 was a trying time.</p> <p>7 Q. I understand.</p> <p>8 A. And people were really -- you know, people<br/>9 were nervous. They were scared and they were<br/>10 concerned. So when they called me down there, you<br/>11 know, I seen the condition. I was, like, yeah, make<br/>12 sure everybody had their desk, make sure everybody<br/>13 has their shield. We were the first equipped<br/>14 offices with the shield, the plexiglass, as you<br/>15 would call it.</p> <p>16 Q. All right. In terms of policies and<br/>17 procedures for employment or employees issues,<br/>18 including discipline, as Register of Wills, you<br/>19 would have been the person with the authority to set<br/>20 how the -- set the policies and procedures for how<br/>21 the office would operate; is that fair?</p> <p>22 A. Yes, I would approve it.</p> <p>23 Q. Right.</p> <p>24 A. I would definitely approve how the<br/>25 policies, you know, went. I wouldn't put them</p> | <p style="text-align: right;">Page 36</p> <p>1 communications that you had with any lawyers in the<br/>2 Law Department, was the -- were you -- was the Law<br/>3 Department's involvement with setting potential<br/>4 policies and procedures with the Register of Wills<br/>5 office meant to ensure that those policies and<br/>6 procedures complied with the law?</p> <p>7 A. We didn't even get to that point. We were<br/>8 just discussing -- we were just going over<br/>9 procedures. Because we were under the impression<br/>10 that, according to, you know, the state law, we have<br/>11 a right to hire, fire and discipline. So we was<br/>12 under the -- I forget the rule. And so when we<br/>13 organized our administration, and we were told to<br/>14 decrease -- we had to decrease our budget. So we<br/>15 had to lay people off. And then it came a problem<br/>16 with the FOP, became a problem. And so that is when<br/>17 I recognized -- realized that, what are the<br/>18 procedures, you know. So we never got chance to --<br/>19 we never got chance to, you know, finalize any<br/>20 procedures.</p> <p>21 Q. All right. Let me ask this question. At<br/>22 the time Nick was terminated, were there any<br/>23 procedures in place at the Register of Wills for how<br/>24 to handle termination of employees?</p> <p>25 A. I don't believe so.</p> |
| <p style="text-align: right;">Page 35</p> <p>1 together.</p> <p>2 Q. You wouldn't be the person necessarily<br/>3 putting them on paper, but they eventually would<br/>4 come up to you and you would have to approve or<br/>5 disapprove --</p> <p>6 A. Yes, I would.</p> <p>7 Q. -- the operational policies of the office?</p> <p>8 A. Yes.</p> <p>9 Q. All right. You mentioned that the Law<br/>10 Department was going to be involved with setting<br/>11 some of these policies and procedures. Was this to<br/>12 ensure that, whatever the procedures were, that they<br/>13 complied with the law?</p> <p>14 MR. HATCHETT: Objection to the form of<br/>15 the question. Ms. Gordon, I'll just remind<br/>16 you, in answering his question or anything<br/>17 regarding the Law Department, don't discuss any<br/>18 conversations with anyone that you would have<br/>19 had regarding at the Law Department.</p> <p>20 THE WITNESS: Okay.</p> <p>21 MR. HATCHETT: Do you understand?</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. GOSLEE:</p> <p>24 Q. Let me reask the question with that.<br/>25 Without disclosing any actual specific</p>  | <p style="text-align: right;">Page 37</p> <p>1 Q. At the time Nick was fired, were there any<br/>2 procedures in place for how to handle employee<br/>3 discipline or insubordination?</p> <p>4 A. I don't recall. I'm not sure.</p> <p>5 Q. When you made the decision to fire Nick,<br/>6 did you follow any sort of procedures in terms of<br/>7 making that decision?</p> <p>8 A. I let him go because he refused work.</p> <p>9 Q. Yeah, I get that. I'm asking just a<br/>10 slightly different question. Were there -- I<br/>11 understand that he refused to do work. But were<br/>12 there any specific procedures or policies that you<br/>13 were following when you made the decision to go<br/>14 ahead and fire him?</p> <p>15 A. Yeah. On the job description that -- our<br/>16 job description, if you refuse to do your work,<br/>17 you'll be asked -- then you'll be let go.</p> <p>18 Q. Did you memorialize in writing anywhere<br/>19 your decision to fire Nick?</p> <p>20 A. No.</p> <p>21 Q. Do you know if anyone within the Register<br/>22 of Wills office memorialized the decision to fire<br/>23 Nick?</p> <p>24 A. I believe Charmaine Collins put it in<br/>25 writing that he was -- you know, we were letting him</p>  |



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| <p style="text-align: right;">Page 38</p> <p>1 go.</p> <p>2 Q. Did she put in writing why he was being</p> <p>3 let go for being insubordinate?</p> <p>4 A. I don't know. I don't recall what she put</p> <p>5 in writing.</p> <p>6 Q. Okay. Do you recall anyone sharing with</p> <p>7 you a written report that said Nick Barone is being</p> <p>8 terminated for being insubordinate on this date or</p> <p>9 time or anything along -- like that?</p> <p>10 A. I don't recall.</p> <p>11 Q. Would it be your expectation that someone</p> <p>12 within the Register of Wills office would have</p> <p>13 memorialized why Nick was being fired?</p> <p>14 A. Repeat the question.</p> <p>15 Q. Would it have been your expectation that</p> <p>16 somebody on your staff in the Register of Wills</p> <p>17 office would have memorialized why Nick Barone was</p> <p>18 being terminated?</p> <p>19 A. Not necessarily.</p> <p>20 Q. Okay. When you say not necessarily, do</p> <p>21 you mean that it was not a requirement within the</p> <p>22 Register of Wills office for the reason an employee</p> <p>23 was being terminated to be memorialized in writing?</p> <p>24 A. I let Charmaine Collins handle how to put</p> <p>25 it in writing.</p> | <p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. And would you have told her the fact that</p> <p>3 Nick was refusing to do work or would you have just</p> <p>4 said terminate Nick?</p> <p>5 A. I told her Nick refused to do work and let</p> <p>6 him go.</p> <p>7 Q. Okay. You specifically -- you</p> <p>8 specifically recall telling Charmaine, Nick's being</p> <p>9 insubordinate, he's refusing to do work?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And we're kind of full circle here.</p> <p>12 Was it your examination that Ms. Collins would have</p> <p>13 recorded that somewhere, that Nick was refusing to</p> <p>14 do work and thus was being terminated?</p> <p>15 A. I don't know how Charmaine checks her</p> <p>16 records. I don't know how -- I don't know what she</p> <p>17 typed up. I don't know how she kept her records,</p> <p>18 so, no.</p> <p>19 Q. Okay.</p> <p>20 A. She -- I left that up to Charmaine.</p> <p>21 Q. Okay.</p> <p>22 A. To put it in writing because she knows --</p> <p>23 she would have knew how to put it in writing.</p> <p>24 Q. You don't recall telling Charmaine</p> <p>25 specifically, hey, make sure you write down why</p> |
| <p style="text-align: right;">Page 39</p> <p>1 Q. Okay. Got it. So from your perspective</p> <p>2 --</p> <p>3 A. From an HR perspective. Because I</p> <p>4 wasn't -- I'm not HR, so I don't know how she would</p> <p>5 put it in writing.</p> <p>6 Q. She's the HR expert and she would -- and</p> <p>7 you would delegate to her the responsibility for how</p> <p>8 she would record the reason why Nick was fired and</p> <p>9 actually effectuating his firing?</p> <p>10 A. I wouldn't delegate it to her, she would</p> <p>11 do it.</p> <p>12 Q. Okay. It was your expectation --</p> <p>13 A. I just -- I just -- okay, go ahead.</p> <p>14 Q. Go ahead.</p> <p>15 A. I just called -- I called her and said,</p> <p>16 terminate Nick because he's refusing to do work.</p> <p>17 Q. Okay. Got it. So Nick refused to do</p> <p>18 work, and you found out from either Mark Wilson or</p> <p>19 Tom Campion and you made the decision to fire him,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And then the next step would have been</p> <p>23 that you would have called Charmaine Collins and</p> <p>24 told her, Nick's refusing to do work, please</p> <p>25 terminate him?</p>  | <p style="text-align: right;">Page 41</p> <p>1 Nick's being fired somewhere?</p> <p>2 A. No, I didn't. No. No.</p> <p>3 Q. Did you tell anyone else in the office why</p> <p>4 Nick was being fired, other than Charmaine?</p> <p>5 A. Yeah, I told Emilio.</p> <p>6 Q. Okay. What did you tell Emilio?</p> <p>7 A. I told him we let Nick go because he's</p> <p>8 refusing to do work.</p> <p>9 Q. And did Emilio say anything in response to</p> <p>10 that?</p> <p>11 A. Okay.</p> <p>12 Q. Okay. He didn't push back and/or object</p> <p>13 to you firing him?</p> <p>14 A. No.</p> <p>15 Q. How about Charmaine, did Charmaine object</p> <p>16 to you firing Nick?</p> <p>17 A. No.</p> <p>18 Q. Okay. You told Emilio, you told</p> <p>19 Charmaine. Did you tell anyone else why Nick was</p> <p>20 being fired?</p> <p>21 A. No.</p> <p>22 Q. Do you know if anybody told Nick why he</p> <p>23 was being fired?</p> <p>24 A. Charmaine should have.</p> <p>25 Q. Yeah, but --</p>  |

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| <p style="text-align: right;">Page 42</p> <p>1 A. But I don't know if she -- I don't know.<br/>2 I'm not sure what she told Nick.<br/>3 Q. Okay. Understood. It would be your<br/>4 expectation, though, if Nick was being fired for<br/>5 refusing to do work, that Charmaine would have told<br/>6 him that?<br/>7 A. Charmaine was the HR. She's the one that<br/>8 let's people know when they're terminated.<br/>9 Q. Okay. How about my specific question was,<br/>10 was it your expectation that Charmaine would say,<br/>11 Nick, you're being terminated and here's why?<br/>12 A. Normally she usually -- I don't -- I'm not<br/>13 sure how she terminates people. I can't -- I<br/>14 can't -- I don't know -- I don't know how Charmaine<br/>15 terminated people.<br/>16 Q. Okay. As the Register of Wills in<br/>17 Philadelphia, within that office, you would have had<br/>18 the authority to set policies for hiring and firing,<br/>19 correct?<br/>20 A. As a Register, yeah, yeah.<br/>21 Q. But as I understand your testimony,<br/>22 because of COVID and some other issues, at the time<br/>23 Nick was fired, you had not yet established any<br/>24 policies to be followed when employees were<br/>25 terminated?</p>   | <p style="text-align: right;">Page 44</p> <p>1 some other concerns about the behavior or the<br/>2 efficiency of the Archives Department generally,<br/>3 correct?<br/>4 A. Yes.<br/>5 Q. Okay. But in terms of Nick specifically,<br/>6 other than his -- at least one occasion where he was<br/>7 not getting along with Mark Wilson, there were no<br/>8 other instances that come to mind in terms of him<br/>9 being subordinate or in need of employee discipline;<br/>10 is that correct?<br/>11 A. Well, Nick?<br/>12 Q. Yeah.<br/>13 A. Um, no.<br/>14 Q. Okay. What year did you begin as<br/>15 Register?<br/>16 A. 2020. January 2020.<br/>17 Q. Okay. That's when you took office?<br/>18 A. Mm-hmm.<br/>19 Q. Is it an elected position?<br/>20 A. Yes.<br/>21 Q. Is it a four-year term?<br/>22 A. Yes.<br/>23 Q. Okay. At the time you ran for office, did<br/>24 you understand what the responsibilities and<br/>25 functions of the Register of Wills were under</p>  |
| <p style="text-align: right;">Page 43</p> <p>1 A. I don't recall if we had finished up.<br/>2 Because there weren't any. So we were in the midst<br/>3 of, you know, figuring out job descriptions,<br/>4 figuring out disciplinary, how it -- how we -- that<br/>5 was Charmaine job.<br/>6 Q. At the time you left office -- by the time<br/>7 you left office, did you -- had you completed<br/>8 policies and procedures for how to handle employee<br/>9 discipline or employee termination?<br/>10 A. I'm not sure. I'm not sure. I'm not sure<br/>11 if we completed policies. I just was so busy doing<br/>12 everything else, I left that toward -- I left that<br/>13 to my Deputy of HR. That's what Charmaine job was.<br/>14 Q. Okay. We talked about Charmaine, we<br/>15 talked about Emilio. Did you recall anyone else<br/>16 within the office of Register of Wills that had any<br/>17 complaints or concerns about Nick being terminated?<br/>18 A. Complaints about Nick, no. No one came<br/>19 and told me that they had any complaints about Nick<br/>20 being terminated.<br/>21 Q. Okay. Prior to this incident of<br/>22 insubordination -- let me back up for a second.<br/>23 Kind of going back to the start of this deposition.<br/>24 I think the incident of the insubordination was the<br/>25 event that triggered you to fire Nick, but you had</p> | <p style="text-align: right;">Page 45</p> <p>1 Pennsylvania law?<br/>2 A. Not all of them.<br/>3 Q. At the time you ran for office -- it's not<br/>4 a law school exam. Just trying to get a sense.<br/>5 A. No, no.<br/>6 Q. At the time you ran for office, what did<br/>7 you understand the responsibilities and the function<br/>8 of the Register to be?<br/>9 A. I didn't understand a lot about the<br/>10 office.<br/>11 Q. Okay.<br/>12 A. I didn't have any -- you know, I didn't --<br/>13 no one did. No one knew it exist, except lawyers.<br/>14 Q. Yeah.<br/>15 A. No one knew the Register of Wills office<br/>16 existed. And I guess that's why he served 40 years.<br/>17 Q. He being Mr. Donatucci?<br/>18 A. Yeah, Honorable Ron Donatucci.<br/>19 Q. Okay. After you became the Register, did<br/>20 you over time learn more about the responsibilities<br/>21 and functions of the office of the Register?<br/>22 A. Absolutely, yes.<br/>23 Q. Okay. Let me ask a question, partly just<br/>24 to educate me. Where does the office of the<br/>25 Register of Wills derive its power from, like, a</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 constitution, a statute, a local charter, do you<br/>2 know?</p> <p>3 <b>A. The state. The state office. It's just<br/>4 budgeted. It's budgeted through the City.</b></p> <p>5 Q. As the Register of Wills, you were -- were<br/>6 you -- was that a municipal office, or a state<br/>7 office, or a county office, if you know?</p> <p>8 <b>A. It is considered a state office, but the<br/>9 budget comes through the City.</b></p> <p>10 Q. Okay. But the actual job responsibilities<br/>11 or powers vested in the Register, do you know where<br/>12 those come from in terms of --</p> <p>13 <b>A. The state constitution.</b></p> <p>14 Q. The state constitution?</p> <p>15 <b>A. Mm-hmm.</b></p> <p>16 Q. And when you took office and you inherited<br/>17 or you became a Register, did you educate yourself<br/>18 as to what the state constitution said about the<br/>19 roles and responsibilities and functions of the<br/>20 Register?</p> <p>21 <b>A. Mm-hmm. As much as I could, yes.</b></p> <p>22 Q. All right. And, again, I'm not interested<br/>23 in any conversations you had with lawyers. But were<br/>24 there any legal texts or documents you relied upon<br/>25 in determining sort of the source and the scope of</p> | <p style="text-align: right;">Page 48</p> <p>1 belong to an association. Register of Wills<br/>2 Association, which is a state association that I<br/>3 would go up and they would give us -- you know, they<br/>4 would train us and give us documents on, you know,<br/>5 the new laws and, you know, just information in<br/>6 regards to our powers.</p> <p>7 Q. Okay. Let's drill down there for second<br/>8 then. What did you understand your powers to be as<br/>9 the Philadelphia Register of Wills?</p> <p>10 <b>A. Just, you know, I had a power to issue<br/>11 executive orders, of course, issue marriage<br/>12 licenses. Off the top of my head, I don't...</b></p> <p>13 Q. That's what you remember right now?</p> <p>14 <b>A. Yeah.</b></p> <p>15 Q. Okay. Did you report -- when you were the<br/>16 Register of the Will, did you report to anyone<br/>17 within the Philadelphia municipality?</p> <p>18 <b>A. Only time I had to report to someone is<br/>19 counsel to get approval of the budget.</b></p> <p>20 Q. Budget approval?</p> <p>21 <b>A. Mm-hmm.</b></p> <p>22 Q. And who did you submit budget approvals<br/>23 to?</p> <p>24 <b>A. To the Finance Department.</b></p> <p>25 Q. Okay. But other than that, you didn't</p> |
| <p style="text-align: right;">Page 47</p> <p>1 your authority as the Register?</p> <p>2 <b>A. Repeat the question.</b></p> <p>3 Q. Sure. And, again, with the caveat that<br/>4 I'm not interested in any conversation had with an<br/>5 attorney.</p> <p>6 <b>A. Right.</b></p> <p>7 Q. Were there any legal texts or documents<br/>8 that you relied upon in determining what the scope<br/>9 and the source of your authority were as the<br/>10 Register of Wills?</p> <p>11 <b>A. Um...</b></p> <p>12 <b>THE WITNESS: Can I ask --</b><br/>13 <b>MR. HATCHETT: If you need clarification,</b><br/>14 <b>you can ask for clarification.</b></p> <p>15 <b>THE WITNESS: Okay, yeah.</b></p> <p>16 BY MR. GOSLEE:</p> <p>17 Q. You want me to ask it a slightly different<br/>18 way?</p> <p>19 <b>A. Yeah.</b></p> <p>20 Q. All right. So when you became Register,<br/>21 do you recall there being a time when you were like,<br/>22 okay, I gotta read -- I gotta read some documents to<br/>23 learn exactly what it is I'm supposed to do and what<br/>24 my power of authority is as the Register?</p> <p>25 <b>A. Yeah, I took courses. Not courses, but I</b></p>   | <p style="text-align: right;">Page 49</p> <p>1 report to, like, the Mayor or City Council or<br/>2 anything like that in doing your job as the Register<br/>3 of the Will?</p> <p>4 <b>A. No.</b></p> <p>5 Q. I guess, a somewhat obscure office on<br/>6 trying to figure out exactly how to operate?</p> <p>7 <b>A. Yeah, it's a little office. It's kind of<br/>8 obscure. But we still have to get approval from<br/>9 budget, we still have to testify. You know, we have<br/>10 to testify in front of City Council for them to<br/>11 support our budget.</b></p> <p>12 Q. Okay. But as far as you recall, other<br/>13 than the budget issue, you were not subordinate to<br/>14 anybody else within the Philadelphia municipality?</p> <p>15 <b>A. No. Not that I know of, no.</b></p> <p>16 Q. And, obviously, this is kind of redundant.<br/>17 Or maybe that's not the right word. But within the<br/>18 rural office -- within the Register of Wills itself,<br/>19 you were not subordinate to within anyone within<br/>20 that office as Register?</p> <p>21 <b>A. No.</b></p> <p>22 Q. Okay. You were -- sort of as Register,<br/>23 you're sort of, like, top of the pyramid, so to<br/>24 speak?</p> <p>25 <b>A. Yes.</b></p>                  |

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| <p style="text-align: right;">Page 50</p> <p>1 Q. Okay. And I think we talked about this</p> <p>2 before. As the Register of Wills, you would set</p> <p>3 policy for how the office would run?</p> <p>4 A. Yeah. I -- yeah, I created different</p> <p>5 policies. You know, I changed around the</p> <p>6 departments. I created job descriptions. I had</p> <p>7 some professionals come in and help me create job</p> <p>8 descriptions because they never had them. I began</p> <p>9 -- we began performance appraisals. Yeah, pretty</p> <p>10 much.</p> <p>11 Q. Okay. Operationally you didn't need to</p> <p>12 get approval from anyone within the city government</p> <p>13 in terms of how the office would run, including, for</p> <p>14 instance, getting job descriptions and those sorts</p> <p>15 of things?</p> <p>16 A. No.</p> <p>17 Q. I think you had testified in some other</p> <p>18 cases. I'm not gonna go over too much detail. You</p> <p>19 had hiring and firing ability as the Register of</p> <p>20 Wills?</p> <p>21 A. Yeah, the right to hire, fire and</p> <p>22 discipline.</p> <p>23 Q. Okay. You didn't need to get approval</p> <p>24 from the Mayor or City Council in deciding who to</p> <p>25 hire for what position?</p> | <p style="text-align: right;">Page 52</p> <p>1 Q. Was there any sort of procedure within the</p> <p>2 municipality of Philadelphia itself for Nick to have</p> <p>3 challenged your termination decision?</p> <p>4 A. Not that I know of.</p> <p>5 Q. There was no person or group within the</p> <p>6 municipality that could have overturned your</p> <p>7 decision to terminate Nick?</p> <p>8 A. Not that I know of.</p> <p>9 Q. Okay. I'm gonna go over some documents</p> <p>10 with you. I think it might be a good time to take a</p> <p>11 short break --</p> <p>12 A. Okay.</p> <p>13 Q. -- maybe for you.</p> <p>14 MR. GOSLEE: You want to do a five-minute</p> <p>15 break?</p> <p>16 MR. HATCHETT: It's fine. The only thing</p> <p>17 is, you said you needed a break at 5:15.</p> <p>18 THE WITNESS: Yeah, I do.</p> <p>19 MR. HATCHETT: Okay.</p> <p>20 MR. GOSLEE: Why don't we take a</p> <p>21 five-minute break now and then we'll get</p> <p>22 started.</p> <p>23 THE WITNESS: I probably -- it's only</p> <p>24 gonna take me five minutes. I just gotta</p> <p>25 replenish, um, my --</p> |
| <p style="text-align: right;">Page 51</p> <p>1 A. No.</p> <p>2 Q. You didn't need to get approval from the</p> <p>3 Mayor, City Council or anybody else if you decided</p> <p>4 to terminate someone?</p> <p>5 A. No.</p> <p>6 Q. Okay. For instance, like, Nick, you</p> <p>7 terminated Nick. You didn't need to get approval</p> <p>8 from anyone in deciding to terminate Nick, that was</p> <p>9 just a decision you had the authority and power to</p> <p>10 make?</p> <p>11 A. Yes.</p> <p>12 Q. Obviously, we're here because Nick filed a</p> <p>13 lawsuit. You're obviously aware of that?</p> <p>14 A. Mm-hmm.</p> <p>15 MR. HATCHETT: Remember to keep your --</p> <p>16 THE WITNESS: Yes.</p> <p>17 MR. HATCHETT: -- responses audible.</p> <p>18 THE WITNESS: Yes.</p> <p>19 MR. HATCHETT: Thank you, Ms. Gordon.</p> <p>20 BY MR. GOSLEE:</p> <p>21 Q. Other than filing a lawsuit, as far as you</p> <p>22 know, was there any procedure within the</p> <p>23 municipality for Nick to challenge your termination</p> <p>24 decision?</p> <p>25 A. Was there any what?</p>   | <p style="text-align: right;">Page 53</p> <p>1 MR. GOSLEE: That's fine. Why don't we</p> <p>2 take a break right now and then -- well,</p> <p>3 actually, let's go off the record for a second.</p> <p>4 THE VIDEOGRPAHER: Going off the record at</p> <p>5 approximately 4:39 p.m.</p> <p>6 - - -</p> <p>7 (A discussion was held off the record.)</p> <p>8 - - -</p> <p>9 (A short break was taken.)</p> <p>10 - - -</p> <p>11 THE VIDEOGRPAHER: We're back on the</p> <p>12 record at 4:45 p.m.</p> <p>13 BY MR. GOSLEE:</p> <p>14 Q. Ms. Gordon, I'm gonna hand you what I'll</p> <p>15 mark as Exhibit No. 1.</p> <p>16 A. Thank you.</p> <p>17 - - -</p> <p>18 (Exhibit-1 was marked for identification.)</p> <p>19 - - -</p> <p>20 MR. GOSLEE: For the record, this is a</p> <p>21 document produced by the defense in this case,</p> <p>22 DEFENSEB02256.</p> <p>23 BY MR. GOSLEE:</p> <p>24 Q. My first question, Ms. Gordon, is simply,</p> <p>25 have you seen this document before?</p>   |

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| <p style="text-align: right;">Page 54</p> <p>1       <b>A. No.</b></p> <p>2       Q. Do you know what it is?</p> <p>3       <b>A. Looks like a performance evaluation.</b></p> <p>4       Q. Have you seen this sort of document before</p> <p>5 while in your position as Register of Wills?</p> <p>6       <b>A. Yes.</b></p> <p>7       Q. Do you know who -- do you know what the</p> <p>8 purpose of this document is?</p> <p>9       <b>A. Employee performance evaluations.</b></p> <p>10      Q. Do you know who created this evaluation</p> <p>11 form or template?</p> <p>12      <b>A. Charmaine Collins.</b></p> <p>13      Q. Okay. So this is something Ms. Collins</p> <p>14 would have made during your tenure as Register of</p> <p>15 Wills?</p> <p>16      <b>A. Yes.</b></p> <p>17      Q. And, by the way, Charmaine, did she start</p> <p>18 at the Register at the same time as you?</p> <p>19      <b>A. Yes.</b></p> <p>20      Q. Was she one of the people you hired?</p> <p>21      <b>A. Yes.</b></p> <p>22      Q. Okay. I'm looking at the top of this</p> <p>23 document. The top row on the far left it says Nick</p> <p>24 Barone.</p> <p>25      <b>A. Yes.</b></p>                     | <p style="text-align: right;">Page 56</p> <p>1 practice as the Register to have reviewed employee</p> <p>2 evaluations such as this one?</p> <p>3       <b>A. No.</b></p> <p>4       Q. Okay. Would anybody within the Register</p> <p>5 of Wills, other than Tom Campion, have reviewed this</p> <p>6 employee evaluation?</p> <p>7       <b>A. Charmaine Collins, the HR.</b></p> <p>8       Q. And it looks like this specific employee</p> <p>9 evaluation for Nick is being completed in December.</p> <p>10 Was it the practice of the Register's office to</p> <p>11 complete these evaluations at year end?</p> <p>12      <b>A. Yes.</b></p> <p>13      Q. All right. And at the bottom there,</p> <p>14 appears to be Nick Baron's signature. Do you see</p> <p>15 that?</p> <p>16      <b>A. Yes.</b></p> <p>17      Q. Were employees expected to review and sign</p> <p>18 these evaluation forms?</p> <p>19      <b>A. Yes.</b></p> <p>20      Q. Okay. And it's dated 12/22/21. Do you</p> <p>21 see that?</p> <p>22      <b>A. Yes.</b></p> <p>23      Q. All right. I'm gonna go back up to some</p> <p>24 of -- the row where it says, Performance Factors.</p> <p>25 Do you see that?</p>                                     |
| <p style="text-align: right;">Page 55</p> <p>1       Q. And then if you follow that all the way</p> <p>2 over to the right it says, Review Date, 12-2-21. Do</p> <p>3 you see that?</p> <p>4       <b>A. Yes.</b></p> <p>5       Q. And then in that right-hand column toward</p> <p>6 the bottom it says -- at the very bottom it says,</p> <p>7 evaluation completed by. Do you see that?</p> <p>8       <b>A. Yes.</b></p> <p>9       Q. There's the name Tom Campion?</p> <p>10      <b>A. Mm-hmm. Yes.</b></p> <p>11      Q. And Tom was Nick's supervisor, correct?</p> <p>12      <b>A. Yes.</b></p> <p>13      Q. All right. And, at some point,</p> <p>14 Mr. Campion was injured or stopped serving as</p> <p>15 supervisor due to injury. It looks like, at this</p> <p>16 time, December of '21, he's still in that position?</p> <p>17      <b>A. Yes.</b></p> <p>18      Q. Was it Tom's responsibility, as the</p> <p>19 supervisor, to complete sort of the employee</p> <p>20 evaluations?</p> <p>21      <b>A. Yes.</b></p> <p>22      Q. Do you recall Tom sharing this employee</p> <p>23 evaluation about Nick?</p> <p>24      <b>A. No.</b></p> <p>25      Q. Would it have been your custom and</p> | <p style="text-align: right;">Page 57</p> <p>1       <b>A. What number?</b></p> <p>2       Q. It is Row 1, two, three. Row 4.</p> <p>3       <b>A. Okay.</b></p> <p>4       Q. In four it says, Performance Factors. Do</p> <p>5 you see that?</p> <p>6       <b>A. Oh, yeah. I see that, yes.</b></p> <p>7       Q. And then there's, like, a performance</p> <p>8 rating key directly above that. Do you see that?</p> <p>9       <b>A. Yes.</b></p> <p>10      Q. All right. The first performance factor</p> <p>11 on here is quality of work. Do you see that?</p> <p>12      <b>A. Yes.</b></p> <p>13      Q. Accuracy, neatness, and completeness of</p> <p>14 work, ability to meet department's standards with</p> <p>15 regard to quality. Do you see that?</p> <p>16      <b>A. Yes.</b></p> <p>17      Q. And, again, this is something that</p> <p>18 Charmaine Collins would have directed?</p> <p>19      <b>A. Yes.</b></p> <p>20      Q. Next to that it says, Circle Appropriate</p> <p>21 Ratings. And there's some letters, U, NI, ME, EE.</p> <p>22 Do you see that?</p> <p>23      <b>A. Yes.</b></p> <p>24      Q. And I'm not gonna go over those because</p> <p>25 there's a key above. But the ME appears to be in</p> |

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| <p style="text-align: right;">Page 58</p> <p>1 bold. Do you see that?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Do you understand why that ME is in bold?</p> <p>4 <b>A. It says meets expectations.</b></p> <p>5 Q. Right. I read this as the ME in bold</p> <p>6 means that Nick met expectations. Are you reading</p> <p>7 that the same way?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Okay. Would you have any reason to have</p> <p>10 disagreed with Tom Campion's conclusion that Nick</p> <p>11 met expectations with respect to the first</p> <p>12 performance factor, the quality of work?</p> <p>13 <b>A. Repeat the question.</b></p> <p>14 Q. Do you have any reason to disagree with</p> <p>15 Tom Campion's conclusion that Nick met expectations</p> <p>16 with respect to the first performance factor,</p> <p>17 quality of work?</p> <p>18 <b>A. No. I mean, he's a supervisor. He works</b></p> <p>19 <b>with him. So, no, I wouldn't know. This is -- no.</b></p> <p>20 Q. I understand. You would have no reason to</p> <p>21 disagree with this ranking about quality of work</p> <p>22 from Mr. Campion as of December of 2021?</p> <p>23 <b>A. No.</b></p> <p>24 Q. The next one, the next performance factor,</p> <p>25 No. 2, is, Quantity of Work. Do you see that?</p> | <p style="text-align: right;">Page 60</p> <p>1 lawyer, I have to sort through the record.</p> <p>2 <b>A. No, you can keep going.</b></p> <p>3 Q. Yeah, okay. And I apologize.</p> <p>4 <b>A. That's okay.</b></p> <p>5 Q. No. 4, Dependability/Initiative. Do you</p> <p>6 see that?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. All right. Mr. Campion appears to have</p> <p>9 indicated that Nick Barone met expectations as</p> <p>10 December of 2021, agree?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. And you would have no reason to disagree</p> <p>13 with that assessment?</p> <p>14 <b>A. No.</b></p> <p>15 Q. Attendance, No. 5, also says meets</p> <p>16 expectations. Do you see that?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. You would have no reason to disagree?</p> <p>19 <b>A. No.</b></p> <p>20 Q. No. 6 is, Interpersonal Abilities. Says,</p> <p>21 exceeds expectations. Do you see that?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. And interpersonal abilities, courtesy,</p> <p>24 tact, self-control, patience, professionalism and</p> <p>25 discretion in dealing with fellow employees and the</p>  |
| <p style="text-align: right;">Page 59</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And it reads, amount of work produced,</p> <p>3 compared with the requirements of the position. Do</p> <p>4 you see that?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. And, again, it appears to say that or</p> <p>7 indicates that Mr. Barone meets expectations. Do</p> <p>8 you see that?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. And you would have no reason to disagree</p> <p>11 with Mr. Campion's assessment that, as of</p> <p>12 December 2021, Nick Barone met expectations with</p> <p>13 respect to the quantity of work performance factor?</p> <p>14 <b>A. No.</b></p> <p>15 Q. Next one down, Work Habits. Do you see</p> <p>16 that?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And, again, meets expectations. Do you</p> <p>19 see that?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. And, again, you would have no reason to</p> <p>22 disagree with this conclusion from Tom Campion?</p> <p>23 <b>A. I -- no -- actually, I disagree. He's a</b></p> <p>24 <b>supervisor, no.</b></p> <p>25 Q. And this is somewhat redundant. As a</p>   | <p style="text-align: right;">Page 61</p> <p>1 public, do you see that?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Now, I'm assuming you would disagree with</p> <p>4 Mr. Campion about this rating for Mr. Barone; is</p> <p>5 that fair?</p> <p>6 <b>A. Well, I can't -- I can't -- this is</b></p> <p>7 <b>Mr. Campion's evaluation, not mine.</b></p> <p>8 Q. That's fair. You did say earlier that</p> <p>9 Mr. Campion did complain about Nick frequently,</p> <p>10 especially about Nick and Mark. I'm sorry. Yeah,</p> <p>11 Nick and Mark not getting along.</p> <p>12 <b>A. Yeah, he used to complain.</b></p> <p>13 Q. Would you have expected that he would have</p> <p>14 put exceeds expectations for interpersonal</p> <p>15 abilities, given that Mr. Campion would often</p> <p>16 complain about Nick and his conduct?</p> <p>17 <b>A. I guess I would have to see all of the</b></p> <p>18 <b>evaluations to see if they all look like this.</b></p> <p>19 Q. All meaning, all of Nick's evaluations?</p> <p>20 <b>A. No, all of the employees. All -- all --</b></p> <p>21 <b>all of his subordinates.</b></p> <p>22 Q. Is it -- I don't have all -- and I'll tell</p> <p>23 you, I don't have all of the other subordinates</p> <p>24 evaluations.</p> <p>25 <b>A. I mean, I don't -- you know, I can't...</b></p> |



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| <p style="text-align: right;">Page 62</p> <p>1 Q. Let me ask you a better question.</p> <p>2 A. Yeah. Because I wasn't a direct</p> <p>3 supervisor over them, so I can't --</p> <p>4 Q. I understand.</p> <p>5 A. I can't get into Tom Campion's head on why</p> <p>6 he put this here. Now, I wouldn't evaluate Nick</p> <p>7 because Nick wasn't directly under me. I'm just</p> <p>8 saying, you know, on occasions that -- few occasions</p> <p>9 that I was around him, you know, he just was, like,</p> <p>10 a little bit on edge. But that doesn't mean that he</p> <p>11 wasn't all these things to Tom Campion.</p> <p>12 Q. Well, here's why I asked the question and</p> <p>13 let me ask it this way. You had said a couple times</p> <p>14 earlier in the deposition that Tom Campion would</p> <p>15 complain about Nick's performance. Did I understand</p> <p>16 that correctly?</p> <p>17 A. No. I said that Tom Campion complained</p> <p>18 that Nick refused to deliver -- you know, he refused</p> <p>19 to deliver the mail. He refused to come to City</p> <p>20 Hall and he would say that Nick and Mark just didn't</p> <p>21 get along. This is in passing.</p> <p>22 Q. Okay.</p> <p>23 A. I don't know if he want to put that on</p> <p>24 paper.</p> <p>25 Q. Right.</p> | <p style="text-align: right;">Page 64</p> <p>1 Q. This is -- what Mr. Campion wrote here,</p> <p>2 though, that Nick is the point person and he meets</p> <p>3 expectations in that capacity --</p> <p>4 A. Mm-hmm.</p> <p>5 Q. -- that is inconsistent with Mr. Campion's</p> <p>6 discussions with you, where he would complain about</p> <p>7 Nick's performance and his relationship with Mark</p> <p>8 Wilson?</p> <p>9 A. Yeah. Not discussions, but he would</p> <p>10 discuss with Keith Harris and they would come and</p> <p>11 say Nick -- and I don't even know if it was, like,</p> <p>12 over and over they didn't get along. And then he --</p> <p>13 somebody told me, I don't know how it got there,</p> <p>14 that Nick refused to deliver mail to the office. He</p> <p>15 just refuses not to do it, that's all. He didn't</p> <p>16 come and tell me over and over, but he just was</p> <p>17 like, you know, Nick is refusing to deliver mail.</p> <p>18 Q. Okay. And that's different than when you</p> <p>19 learned that Nick was refusing to deliver records,</p> <p>20 and that's when you terminated him. Are we talking</p> <p>21 about two separate things here?</p> <p>22 A. Yeah. When they came -- I had heard a lot</p> <p>23 of complaints down there. And they was like, Nick</p> <p>24 just said he's refusing to deliver mail, he's just</p> <p>25 refusing.</p> |
| <p style="text-align: right;">Page 63</p> <p>1 A. I would have to see what he put on paper</p> <p>2 for the other ones.</p> <p>3 Q. Well, let's finish up with this one. At</p> <p>4 the bottom it says, provide relevant comments in the</p> <p>5 following space. Use additional sheets if</p> <p>6 necessary. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Says, Nick is the point person in Archives</p> <p>9 and meets expectations in that capacity. Do you see</p> <p>10 that?</p> <p>11 A. Yes.</p> <p>12 Q. Now, I know that you did not complete this</p> <p>13 evaluation form. I know that you cannot get</p> <p>14 yourself into Tom Campion's head. Nevertheless,</p> <p>15 given that Tom has complained -- had complained to</p> <p>16 you in the past that Nick was not doing his job, was</p> <p>17 not delivering records and that would sometimes have</p> <p>18 disagreements with Mark, it is surprising to you</p> <p>19 that he concluded that Nick is the point person in</p> <p>20 Archives and meets expectations in that capacity?</p> <p>21 A. No, it's not surprising.</p> <p>22 Q. Why not?</p> <p>23 A. I'm just not surprised. I don't know why.</p> <p>24 I'm -- you know, I don't -- you know, people want to</p> <p>25 give people negative evaluations.</p>       | <p style="text-align: right;">Page 65</p> <p>1 Q. Yeah.</p> <p>2 A. So, you know, I was like, okay, he don't</p> <p>3 want to do his work, he don't want to do his job</p> <p>4 that we hired him for, then he's terminated.</p> <p>5 Q. Yeah. Let me ask you this question about</p> <p>6 that. Maybe I asked before and you answered and I</p> <p>7 forgot. When you made the decision to terminate</p> <p>8 Nick and you told Charmaine, was there, like, any</p> <p>9 span of time between when you made the decision to</p> <p>10 terminate Nick and when you actually effectuated the</p> <p>11 termination?</p> <p>12 A. It was that day.</p> <p>13 Q. It was that day?</p> <p>14 A. It was that day.</p> <p>15 Q. Okay. All right. So if Nick was</p> <p>16 terminated on January 6th or January 7th, this</p> <p>17 review would have been prior to the incident where</p> <p>18 Nick was insubordinate and refused to deliver mail?</p> <p>19 A. When was Nick terminated, the date?</p> <p>20 Q. I'll represent to you that there's an</p> <p>21 e-mail that says January 6th the decision was made,</p> <p>22 but the official termination, we'll look at it, was</p> <p>23 January 7th. But it's your testimony that you</p> <p>24 pretty much fired Nick the same day or close to that</p> <p>25 he refused to deliver mail; is that right?</p>  |

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| <p style="text-align: right;">Page 66</p> <p>1       <b>A. Yes.</b></p> <p>2       Q. Okay. All right. We can set this</p> <p>3 document aside. Just keep it close. I'll hand you</p> <p>4 what I'll mark as Exhibit No. 2.</p> <p>5                       - - -</p> <p>6       (Exhibit-2 was marked for identification.)</p> <p>7                       - - -</p> <p>8 BY MR. GOSLEE:</p> <p>9       Q. And, again, this is a document produced by</p> <p>10 the defense in this case. Here you go, ma'am.</p> <p>11       <b>A. Mm-hmm.</b></p> <p>12       Q. For the record, this a document produced</p> <p>13 by the defense, Bates No. DEFENSEB00411. It's an</p> <p>14 e-mail exchange that was produced in this case. I'm</p> <p>15 directing your attention, Ms. Gordon, to the e-mail.</p> <p>16 Toward the bottom of the page, there's an e-mail</p> <p>17 from Charmaine Collins to you, Cc'ing Shariff</p> <p>18 Roseboro, and the date is January 6, 2022. Do you</p> <p>19 see that?</p> <p>20       <b>A. Yes.</b></p> <p>21       Q. The date is January 6, 2022, and the time</p> <p>22 is 11:40 a.m. Do you see that?</p> <p>23       <b>A. Yes.</b></p> <p>24       Q. Do you recall receiving this e-mail,</p> <p>25 ma'am?</p>  | <p style="text-align: right;">Page 68</p> <p>1 points. Do you see that?</p> <p>2       <b>A. Yes.</b></p> <p>3       Q. Layoff and -- is the first bullet point.</p> <p>4 An exempt assignment complete is the second. Do you</p> <p>5 see that?</p> <p>6       <b>A. Yes.</b></p> <p>7       Q. Do you know what she's referring to here?</p> <p>8       <b>A. No.</b></p> <p>9       Q. Do you know what these codings are for the</p> <p>10 separation?</p> <p>11       <b>A. No.</b></p> <p>12       Q. Were those the only two options for coding</p> <p>13 Nick's separation?</p> <p>14       <b>A. I'm not sure.</b></p> <p>15       Q. Let me back up. I'm being presumptuous.</p> <p>16 Was there a system in place where, if you terminated</p> <p>17 an employee, you were supposed to put a code in for</p> <p>18 the reason why that termination occurred?</p> <p>19       <b>A. I'm not sure.</b></p> <p>20       Q. Okay. Do you recall asking Charmaine</p> <p>21 Collins in response to this e-mail why there were</p> <p>22 only two options, layoff and exempt assignment</p> <p>23 incomplete?</p> <p>24       <b>A. No.</b></p> <p>25       Q. Okay. Ms. Collins goes on to write, since</p>   |
| <p style="text-align: right;">Page 67</p> <p>1       <b>A. I don't recall, but it came to me. Yeah,</b></p> <p>2 <b>I recall this e-mail.</b></p> <p>3       Q. Okay. And we talked about Tracey Gordon.</p> <p>4 Who is Shariff Roseboro?</p> <p>5       <b>A. She was assistant -- assistant --</b></p> <p>6 <b>Charmaine's assistant.</b></p> <p>7       Q. Okay. And the subject line of this e-mail</p> <p>8 at 11:40 a.m., on January 6th, it says, Reason Code.</p> <p>9 Do you see that?</p> <p>10       <b>A. Yeah.</b></p> <p>11       Q. Now, Charmaine's e-mail does not mention</p> <p>12 Nick. But if you look at the top of the page, she</p> <p>13 wrote, Nick was notified of his termination. Do you</p> <p>14 see that?</p> <p>15       <b>A. Yes.</b></p> <p>16       Q. Is this first e-mail towards the bottom,</p> <p>17 is it your recollection that this is -- that this is</p> <p>18 related to Nick Barone?</p> <p>19       <b>A. Yes.</b></p> <p>20       Q. All right. She wrote -- Ms. Collins wrote</p> <p>21 to Register, I checked the two possible options for</p> <p>22 coding the separation -- for coding the separation</p> <p>23 are. So let me read that again because I mangled</p> <p>24 it. I checked and the two possible options for</p> <p>25 coding the separation are, and there's two bullet</p> | <p style="text-align: right;">Page 69</p> <p>1 you're not sure if when you might want to backfill</p> <p>2 the position, I recommend using option two. To</p> <p>3 confirm, I will proceed with completing the</p> <p>4 separation at the end of the day tomorrow. Do you</p> <p>5 see that?</p> <p>6       <b>A. Yes.</b></p> <p>7       Q. Now, exempt assignment complete, what did</p> <p>8 you understand that code to mean?</p> <p>9       <b>A. I don't recall.</b></p> <p>10       Q. Did you know at some point and you don't</p> <p>11 remember now?</p> <p>12       <b>A. I don't remember. I don't even remember</b></p> <p>13 <b>this e-mail. I don't remember the second part.</b></p> <p>14       Q. The second part being what? I'm sorry.</p> <p>15       <b>A. Register, I check the two possible options</b></p> <p>16 <b>for coding the separation.</b></p> <p>17       Q. This e-mail at 11:40 a.m., on January 6th,</p> <p>18 you don't remember this?</p> <p>19       <b>A. I mean, I don't remember the opt -- I</b></p> <p>20 <b>don't know what the options are.</b></p> <p>21       Q. Okay. You remember the e-mail generally</p> <p>22 what the specific coding options are, you don't</p> <p>23 remember sitting here now?</p> <p>24       <b>A. Right.</b></p> <p>25       Q. Okay. Whatever the second bullet point</p> |



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| <p style="text-align: right;">Page 70</p> <p>1 means, it looks like at 12:38 p.m., on January 6th,<br/>2 the middle e-mail, it looks like you agreed to<br/>3 option No. 2. Do you see that?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Okay. And then the next day, January 7,<br/>6 2022, Ms. Collins writes, Nick was notified of his<br/>7 termination. His accounts and badge have also been<br/>8 deactivated. He said okay to inform Tom at this<br/>9 time. Do you see that?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. First question is: Do you know why<br/>12 Ms. Roseboro was cc'd on this e-mail chain?</p> <p>13 <b>A. Because that's her assistant. She always<br/>14 cc's her assistant. Probably because she had to get<br/>15 the badge or something. Because Charmaine was<br/>16 remote so she cc'd -- she probably -- I don't know<br/>17 why.</b></p> <p>18 Q. Okay.</p> <p>19 <b>A. I'm just speculating that she would cc her<br/>20 assistant to let her know probably because she had<br/>21 to get the badge.</b></p> <p>22 Q. Yeah. So it's not surprising to you to<br/>23 see Shariff Roseboro?</p> <p>24 <b>A. Oh, no. No.</b></p> <p>25 Q. That January 7th e-mail from Charmaine, it</p> | <p style="text-align: right;">Page 72</p> <p>1 the e-mail on the front page, Ms. Gordon. But you<br/>2 can take the time to look through it when you want.<br/>3 But whenever you're ready, let me know, I'm gonna<br/>4 ask you a couple questions.</p> <p>5 <b>A. I looked through them.</b></p> <p>6 Q. Okay. Can you turn to the first page<br/>7 please, the e-mail?</p> <p>8 <b>A. Mm-hmm.</b></p> <p>9 Q. Appears to be an e-mail from Emilio Di<br/>10 Gregorio to yourself, dated January 6, 2022, and the<br/>11 time is 7:18 p.m. Do you see that?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. All right. And the e-mail says, Good<br/>14 evening, Ms. Gordon. Attached are the requested key<br/>15 swipe reports for Archives. Do you see that?</p> <p>16 <b>A. Yeah.</b></p> <p>17 Q. And the attachments at the top have a<br/>18 series of names, Christopher Guest, Mark Anthony<br/>19 Wilson, Nicholas Barone, Tom Campion. Do you see<br/>20 that?</p> <p>21 <b>A. Mm-hmm.</b></p> <p>22 Q. All right. Have you seen this e-mail<br/>23 before?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Do you recall receiving this e-mail from</p>   |
| <p style="text-align: right;">Page 71</p> <p>1 ends with, is it okay to inform Tom at this time.<br/>2 Do you know what she's talking about?</p> <p>3 <b>A. Yeah. Let Tom know that he was let go.</b></p> <p>4 Q. Tom being Tom Campion?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Okay. Did you ever talk to Tom Campion<br/>7 about Nick being terminated?</p> <p>8 <b>A. Not that I can recall.</b></p> <p>9 Q. Okay. Did Charmaine, in fact, tell Tom<br/>10 that Nick was being terminated, if you know?</p> <p>11 <b>A. I believe. I don't know.</b></p> <p>12 Q. Okay.</p> <p>13 <b>A. I don't know.</b></p> <p>14 Q. You weren't part of that conversation?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Okay. You can set that document aside.<br/>17 I'm gonna hand you what I'll mark as Exhibit No. 3.<br/>18 - - -<br/>19 (Exhibit-3 was marked for identification.)<br/>20 - - -</p> <p>21 BY MR. GOSLEE:</p> <p>22 Q. For the record, this is a document, again,<br/>23 been produced by the defense in this case. Bates<br/>24 ranges is DEFENSEB84 through 99. And I'm gonna<br/>25 spend a few minutes on this document, and also about</p>   | <p style="text-align: right;">Page 73</p> <p>1 Emilio Di Gregorio?</p> <p>2 <b>A. I don't recall.</b></p> <p>3 Q. Do you know why he is sending you swipe<br/>4 reports for Archives?</p> <p>5 <b>A. Yeah. Because I asked him to send me<br/>6 swipes because we were getting so many complaints<br/>7 about Archives. And I wanted to make sure that they<br/>8 were actually showing up for work. Because I'm<br/>9 wondering why we keep getting complaints of work not<br/>10 being completed and we gotta keep sending people<br/>11 down there to find archives when we got five guys<br/>12 down there.</b></p> <p>13 Q. All right. You testified in a few other<br/>14 cases, including Mr. Campion's case. Do you recall<br/>15 giving testimony in Mr. Campion's case?</p> <p>16 <b>A. Do I recall what?</b></p> <p>17 Q. Giving testimony.</p> <p>18 <b>A. Oh, giving testimony, yeah.</b></p> <p>19 Q. All right. In Mr. Campion's case, you<br/>20 testified that you asked Emilio to pull employee<br/>21 swipe records to compare them to the sign-in and<br/>22 sign-out sheets. Do you recall that testimony?</p> <p>23 <b>A. Yeah.</b></p> <p>24 Q. Okay. The date on this e-mail from Mr. Di<br/>25 Gregorio is January 6th --</p> |

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| <p style="text-align: right;">Page 74</p> <p>1 A. Mm-hmm.</p> <p>2 Q. -- the time is 7:18 --</p> <p>3 A. Mm-hmm.</p> <p>4 Q. -- p.m., correct?</p> <p>5 A. Yes.</p> <p>6 Q. Now, we looked at, just a moment ago, the</p> <p>7 previous exhibit was an e-mail from Charmaine</p> <p>8 talking about the coding for Nick's separation. And</p> <p>9 that was earlier in the day on January 6th, around</p> <p>10 11:40 a.m. Do you recall that?</p> <p>11 A. Um, yeah. I mean, I...</p> <p>12 Q. It's there. You can look at it now.</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Do you know why Mr. Di Gregorio is</p> <p>15 sending these archive reports, especially for Nick</p> <p>16 Barone -- I'm sorry. The swipe card reports for</p> <p>17 Nick Barone after the decision was already made to</p> <p>18 terminate him?</p> <p>19 A. Because I had requested these swipes a lot</p> <p>20 previously because of all the complaints. And it</p> <p>21 takes a while for them to get them. You have to</p> <p>22 request swipes. It takes a few weeks. It takes a</p> <p>23 while. You don't just go in and go in there and</p> <p>24 pull it, you gotta request it from somewhere from</p> <p>25 the City.</p> | <p style="text-align: right;">Page 76</p> <p>1 A. That was something that I was talking to</p> <p>2 my lawyers about.</p> <p>3 Q. Okay. And I'm not interested in any</p> <p>4 conversation had with your lawyers?</p> <p>5 A. Okay.</p> <p>6 Q. I'll show you your transcript.</p> <p>7 A. Okay.</p> <p>8 Q. All right. And we can just go through it.</p> <p>9 A. But it wasn't -- okay.</p> <p>10 - - -</p> <p>11 (Exhibit-4 was marked for identification.)</p> <p>12 - - -</p> <p>13 BY MR. GOSLEE:</p> <p>14 Q. I'll hand what I'll mark as Exhibit No. 4,</p> <p>15 which is a copy of the transcript in the Campion</p> <p>16 matter. I'm not gonna tell you to look through and</p> <p>17 read this one, don't worry. I can direct you to</p> <p>18 Page 89 of your deposition.</p> <p>19 MR. HATCHETT: Ms. Gordon, just for</p> <p>20 reference today, these transcripts have</p> <p>21 numbers. If you're referred to a number,</p> <p>22 that's a particular sentence. A "Q" stands for</p> <p>23 question, and "A" stands for answer.</p> <p>24 THE WITNESS: Okay.</p> <p>25</p>                             |
| <p style="text-align: right;">Page 75</p> <p>1 Q. Okay. Your recollection is you had</p> <p>2 requested these documents some time before?</p> <p>3 A. Yeah.</p> <p>4 Q. And coincidentally they came at the same</p> <p>5 date --</p> <p>6 A. Yeah.</p> <p>7 Q. -- Nick was terminated?</p> <p>8 A. Yeah, yup.</p> <p>9 MR. HATCHETT: Objection to the form of</p> <p>10 the question.</p> <p>11 BY MR. GOSLEE:</p> <p>12 Q. And the Campion -- have you seen your</p> <p>13 transcript in the Campion case? Have you had a</p> <p>14 chance to look at that or read that?</p> <p>15 A. Yes, I read it.</p> <p>16 Q. In the Campion case, you testified that</p> <p>17 you decided to request swipe records as part of a</p> <p>18 defense to litigation. Do you recall giving that</p> <p>19 testimony?</p> <p>20 A. Yes, but that wasn't -- yes, yes, yes.</p> <p>21 Q. Was that something different than these</p> <p>22 swipe reports that you were referring to?</p> <p>23 A. Yes.</p> <p>24 Q. What swipe reports were you referring to,</p> <p>25 when you gave that testimony in the Campion case?</p>  | <p style="text-align: right;">Page 77</p> <p>1 BY MR. GOSLEE:</p> <p>2 Q. Are on you on Page 89, ma'am?</p> <p>3 A. Yes, I am.</p> <p>4 Q. Starting on Line 7.</p> <p>5 A. Mm-hmm.</p> <p>6 Q. "Question: Did Mr. Campion ever complain</p> <p>7 about you pulling him -- the time punches of him or</p> <p>8 any of his employees, other employees?"</p> <p>9 "Answer: No."</p> <p>10 "Did he ever complain about you</p> <p>11 pulling the swipe records of him or any of his</p> <p>12 employees?"</p> <p>13 "Answer: No."</p> <p>14 "Did you ever pull the swipe records</p> <p>15 for him or any other of his employees?"</p> <p>16 "The answer is: I told Emilio to</p> <p>17 pull all their swipe records and compare them to the</p> <p>18 sign-in sheets. Sign-in sheet -- sign-in and out</p> <p>19 sheets. But that was after they were gone. I</p> <p>20 never -- during their time, I never recall asking</p> <p>21 them to pull anybody's swipe records."</p> <p>22 "Well, why did you do that?"</p> <p>23 "Question: Well, why did you do</p> <p>24 that?"</p> <p>25 "Answer: Why did I pull the swipe</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 records?"</p> <p>2 "Question. Yeah."</p> <p>3 "Answer: Because I wanted to see why</p> <p>4 the work wasn't getting done."</p> <p>5 "Question: And that was after they</p> <p>6 were all separated?"</p> <p>7 "Answer: Yeah, yeah. I asked -- I</p> <p>8 had -- I -- with my attorneys, I was like, pull the</p> <p>9 swipe record, you know, and see, you know, where</p> <p>10 they were, were they even showing up for work when</p> <p>11 they said they were showing. Pull the swipe</p> <p>12 records."</p> <p>13 "Question: Why would you do that if</p> <p>14 they were terminated?"</p> <p>15 "Answer: I decided to do that</p> <p>16 because I felt it would be part of the defense to</p> <p>17 show that, you know, were they showing up for work.</p> <p>18 Was they -- was they -- you know, that's -- you</p> <p>19 know, I just based on this decision that we were</p> <p>20 having problems with them. They never could do</p> <p>21 their work, you know. We wasn't getting any work.</p> <p>22 I wanted to see -- give to my attorneys and see if</p> <p>23 they even -- cause it's performance based, were</p> <p>24 they -- maybe they would perform better if they</p> <p>25 showed up." Do you see that?</p> | <p style="text-align: right;">Page 80</p> <p>1 Q. All right. Does this refresh your</p> <p>2 recollection at all, ma'am, as to --</p> <p>3 A. Um --</p> <p>4 Q. Let me --</p> <p>5 A. No, I -- listen, I would get in -- so I</p> <p>6 don't remember. But I did ask Emilio to pull their</p> <p>7 swipe records because I kept getting complaints of</p> <p>8 their not doing work. And I'm like, how you working</p> <p>9 eight hours a day and everyday Emilio's coming in my</p> <p>10 office saying that they're not doing work. So I'm</p> <p>11 like, pull their swipe rec -- are they even showing</p> <p>12 up. So that's why I asked to pull the swipe</p> <p>13 records.</p> <p>14 If I asked before then, I -- so maybe</p> <p>15 I misunderstood the question, but I -- I've asked</p> <p>16 Emilio, but I don't remember when I asked him to</p> <p>17 pull the swipe record -- the swipe records. I don't</p> <p>18 know. I just know that I asked him to pull the</p> <p>19 swipe records. If this is when I asked him, it's</p> <p>20 because I'm thinking they not showing up for work.</p> <p>21 I'm like, what time are they coming in to work, you</p> <p>22 know, because it's complaints. I had heard</p> <p>23 complaints from Keith. He went down there one day</p> <p>24 and nobody was there, you know. He went down there</p> <p>25 and they said Mark says he has to pick up his kids</p> |
| <p style="text-align: right;">Page 79</p> <p>1 A. Mn-hmm.</p> <p>2 Q. Did I read that mostly correctly?</p> <p>3 A. Mn-hmm.</p> <p>4 Q. Gonna go the next page. Just a couple</p> <p>5 other lines, beginning on Line 4.</p> <p>6 MR. HATCHETT: Ms. Gordon, for the record,</p> <p>7 your last two responses, did you mean them to</p> <p>8 be "yes" or "no"?</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. GOSLEE:</p> <p>11 Q. Line 4 on Page 91.</p> <p>12 A. Okay.</p> <p>13 Q. "Question: Okay. So you only did that in</p> <p>14 defense of this litigation, not before?"</p> <p>15 "Yeah, I never asked anybody to</p> <p>16 pull -- I -- not that I can recall that I..."</p> <p>17 "You have no reason for doing that?"</p> <p>18 "Right. No reason for pulling</p> <p>19 anybody's swipe records. I had -- I never got any</p> <p>20 complaints about -- I never got any complaints about</p> <p>21 them not showing up. I never got any complaints</p> <p>22 about -- so, no, I never asked them to pull any</p> <p>23 swipe records from anybody down at Archives that I</p> <p>24 could recall." Did I read that correctly?</p> <p>25 A. Yes, you read it correctly.</p>   | <p style="text-align: right;">Page 81</p> <p>1 or he has to take his kids to school, so Mark will</p> <p>2 come to work at 12:00. So I was like, well, pull</p> <p>3 they swipe records and we'll see.</p> <p>4 Q. Okay. Based on --</p> <p>5 MR. HATCHETT: I'm sorry. I'm gonna ask</p> <p>6 for a break for the witness --</p> <p>7 THE WITNESS: Yeah.</p> <p>8 MR. HATCHETT: -- before your next</p> <p>9 question.</p> <p>10 THE WITNESS: I gotta get to my car.</p> <p>11 MR. GOSLEE: Oh, right.</p> <p>12 THE WITNESS: Remember.</p> <p>13 MR. GOSLEE: Sorry about that. I</p> <p>14 apologize.</p> <p>15 THE WITNESS: That's okay.</p> <p>16 THE VIDEOGRPAHER: Going off the record at</p> <p>17 5:17 p.m.</p> <p>18 - - -</p> <p>19 (A short break was taken.)</p> <p>20 - - -</p> <p>21 THE VIDEOGRPAHER: We're back on the</p> <p>22 record at approximately 5:32 p.m.</p> <p>23 BY MR. GOSLEE:</p> <p>24 Q. All right, Ms. Gordon. You don't have</p> <p>25 that much longer. I did ask, and I got of kind lost</p>   |

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| <p style="text-align: right;">Page 82</p> <p>1 through break. The question I had for you was,<br/>2 when -- why did you request swipe reports for<br/>3 employees, including Nick Barone?<br/>4 <b>A. Again, because there was so much egregious</b><br/>5 <b>complaints I was like, are these guys even showing</b><br/>6 <b>up for work. Pull the swipes, let's see if they</b><br/>7 <b>showing up for work.</b><br/>8 <b>Q. In the transcript that I read a portion to</b><br/>9 <b>you in the Campion case, you seem to suggest that</b><br/>10 <b>you did it as a part of defense to litigation. Do</b><br/>11 <b>you stand by that testimony?</b><br/>12 <b>A. That, too, yes.</b><br/>13 <b>Q. And, again, dialing back to Mr. Barone</b><br/>14 <b>himself, you don't recall receiving any specific</b><br/>15 <b>complaints that he was not showing up to work; is</b><br/>16 <b>that fair?</b><br/>17 <b>A. No. I wasn't -- no, I didn't get any</b><br/>18 <b>specific complaints about anybody, including Barone,</b><br/>19 <b>not showing up to work. I just was assuming, if you</b><br/>20 <b>got four, five guys down there and everyday your</b><br/>21 <b>Deputy is coming, telling that they're frustrated</b><br/>22 <b>because they have performance issues, they're not</b><br/>23 <b>doing the work, lawyers are complaining because they</b><br/>24 <b>need the archives, and I'm getting complaints -- I</b><br/>25 <b>can't even walk in the door without Wayne Perry</b></p> | <p style="text-align: right;">Page 84</p> <p>1 <b>Q. Why not?</b><br/>2 <b>A. Politics maybe.</b><br/>3 <b>Q. Say more about that. What do you mean?</b><br/>4 <b>A. I'm out of office now. People looking out</b><br/>5 <b>for themselves.</b><br/>6 <b>Q. Okay. Did you have a chance to take a</b><br/>7 <b>look at the swipe reports for Nick Barone when you</b><br/>8 <b>received them via e-mail on January 6th?</b><br/>9 <b>A. I didn't look at any of the swipe reports.</b><br/>10 <b>Q. What did you do with them?</b><br/>11 <b>A. I never looked at them. I don't even</b><br/>12 <b>remember getting them.</b><br/>13 <b>Q. Okay, yeah. Slightly different question.</b><br/>14 <b>I understand you don't remember looking at them. Do</b><br/>15 <b>you remember --</b><br/>16 <b>A. I don't even remember receiving them.</b><br/>17 <b>Q. Okay. Fair to say then that there's</b><br/>18 <b>nothing in the swipe reports of Nick Barone that</b><br/>19 <b>would suggest to you that he was not showing up</b><br/>20 <b>consistently and on time for work?</b><br/>21 <b>A. I didn't look at the swipe reports.</b><br/>22 <b>Q. Okay. I'm gonna hand you what I'll mark</b><br/>23 <b>as Exhibit No. 5.</b><br/>24 <b>- - -</b><br/>25 <b>(Exhibit-5 was marked for identification.)</b></p> |
| <p style="text-align: right;">Page 83</p> <p>1 <b>frustrated because he can't do his work because he</b><br/>2 <b>can't get the archives.</b><br/>3 <b>Q. You mentioned a Deputy complaining. Who</b><br/>4 <b>are we talking about?</b><br/>5 <b>A. Emilio Di Gregorio.</b><br/>6 <b>Q. Okay. Fair enough.</b><br/>7 <b>A. Because they would complain -- that was</b><br/>8 <b>the chain. They would go to Emilio and Emilio would</b><br/>9 <b>normally solve the problem by going down there</b><br/>10 <b>himself, climbing on the ladders, digging and</b><br/>11 <b>finding them sitting right there.</b><br/>12 <b>Q. Yeah. Okay.</b><br/>13 <b>A. Every last one of the files that they said</b><br/>14 <b>they couldn't find, he would find in seconds.</b><br/>15 <b>Q. Okay. Did you ever ask Emilio</b><br/>16 <b>specifically about Nick Barone's performance?</b><br/>17 <b>A. No.</b><br/>18 <b>Q. Have you seen Emilio's deposition</b><br/>19 <b>transcript that was taken in this case?</b><br/>20 <b>A. I have it, but I don't think I read the</b><br/>21 <b>entire deposition.</b><br/>22 <b>Q. Would it surprise you if in that</b><br/>23 <b>deposition transcript Emilio was complimentary about</b><br/>24 <b>Nick Barone and his work ethic?</b><br/>25 <b>A. No, it wouldn't surprise me.</b></p>   | <p style="text-align: right;">Page 85</p> <p>1 <b>- - -</b><br/>2 <b>BY MR. GOSLEE:</b><br/>3 <b>Q. Again, document produced by the Defendant</b><br/>4 <b>in this case. Bates No. DEFENSE00014. Have you</b><br/>5 <b>seen this document before, ma'am?</b><br/>6 <b>A. No.</b><br/>7 <b>Q. Having -- looking at this, this appears to</b><br/>8 <b>be the Termination Letter for Nick Barone?</b><br/>9 <b>A. Yes.</b><br/>10 <b>Q. Date is January 7, 2022. Do you see that?</b><br/>11 <b>A. Yes.</b><br/>12 <b>Q. Do you know who drafted this Termination</b><br/>13 <b>Letter?</b><br/>14 <b>A. Charmaine Collins.</b><br/>15 <b>Q. Would you have reviewed or approved that</b><br/>16 <b>letter before being given to Nick?</b><br/>17 <b>A. I don't remember receiving this letter.</b><br/>18 <b>Q. Okay. Would it --</b><br/>19 <b>A. And this is a stamp signature.</b><br/>20 <b>Q. Okay. What's the significance of that to</b><br/>21 <b>you, that it's a stamp signature?</b><br/>22 <b>A. Well, I didn't -- the significance is, I</b><br/>23 <b>didn't draft the letter. And I didn't see this</b><br/>24 <b>letter. If I would have seen it, I would have told</b><br/>25 <b>her to sign it.</b></p>   |

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| <p style="text-align: right;">Page 86</p> <p>1 Q. Okay. That's not your -- that's a stamp,<br/>2 that is not your signature?<br/>3 A. Yeah, that's a stamp signature. Yeah.<br/>4 Q. It would not have been your practice to<br/>5 review termination letters that Ms. Collins would<br/>6 send out to employees?<br/>7 A. No.<br/>8 Q. You trusted that, whatever she needed to<br/>9 put in the letter would be sufficient?<br/>10 A. Yes.<br/>11 Q. Okay. I'm not gonna spend a tremendous<br/>12 amount of time in the letter. I will say there's a<br/>13 bullet point, the last bullet point, says, Pension.<br/>14 Do see that?<br/>15 A. Yes.<br/>16 Q. Says, once separated, you will receive<br/>17 notification from the Board of Pensions regarding<br/>18 your options. Do you see that?<br/>19 A. Yes.<br/>20 Q. Do you know what the Board of Pensions are<br/>21 or is, I guess I should say?<br/>22 A. I just know it's a Board of Pensions. I<br/>23 don't -- yeah, I know what the Board of Pensions is.<br/>24 Q. What is it?<br/>25 A. It's the Board of Pensions.</p>   | <p style="text-align: right;">Page 88</p> <p>1 terminate him?<br/>2 A. No, I didn't. I just considered that he<br/>3 refused to do work.<br/>4 Q. Okay. I read this letter. I don't see<br/>5 anywhere in this letter where a reason was given for<br/>6 Nick's termination, do you?<br/>7 A. No.<br/>8 Q. You testified earlier, though, that it<br/>9 would be your expectation that Charmaine Collins<br/>10 would have told Nick why he was being fired?<br/>11 A. Yeah. But I don't know why and I don't<br/>12 know why it's not in that letter. I didn't deal<br/>13 with HR. I didn't deal with HR. That was<br/>14 Charmaine's job.<br/>15 Q. I understand. But HR was under you and<br/>16 reported to you as the Register of Wills, yes?<br/>17 A. Yes, she did. But I -- once, you know, it<br/>18 got to termination, I didn't -- she handled all of<br/>19 that.<br/>20 Q. You're certain, though, that you told<br/>21 Charmaine why you were firing Nick, yes?<br/>22 A. Absolutely.<br/>23 Q. If she testified otherwise, that would be<br/>24 incorrect?<br/>25 MR. HATCHETT: Objection to the form of</p> |
| <p style="text-align: right;">Page 87</p> <p>1 Q. What does it do, if you know?<br/>2 A. They have your records. They have your<br/>3 records of time that you accrue for your pension.<br/>4 Q. Was Nick eligible for a pension?<br/>5 A. I'm not sure. I wouldn't have that<br/>6 information.<br/>7 Q. If Nick was eligible for the pension, do<br/>8 you have an understanding of how his termination<br/>9 could potentially impact that termination?<br/>10 A. I'm not sure of his pension situation.<br/>11 Q. Understood. If he was eligible for<br/>12 pension, how the termination could potentially<br/>13 impact that pension?<br/>14 A. Oh, yeah.<br/>15 Q. How would his termination impact his<br/>16 pension, if he was so eligible?<br/>17 A. I don't know because I don't know how many<br/>18 years service he's done.<br/>19 Q. Okay. Would termination -- if you know,<br/>20 if Nick was eligible to receive a pension, would his<br/>21 termination negatively impact the amount or the time<br/>22 when he could receive a pension?<br/>23 A. I'm not sure.<br/>24 Q. Did you consider at all the impact on<br/>25 Nick's pension when you made the decision to</p> | <p style="text-align: right;">Page 89</p> <p>1 the question. You can respond, Ms. Gordon.<br/>2 THE WITNESS: Yes, I told her why.<br/>3 MR. GOSLEE: I'll give you this objection<br/>4 here, if you don't want to reraise it.<br/>5 BY MR. GOSLEE:<br/>6 Q. If Ms. Collins testified that you did not<br/>7 give her a reason as to why you were firing Nick,<br/>8 you would disagree with that testimony?<br/>9 A. Absolutely.<br/>10 Q. Okay. You can set that aside, ma'am. Do<br/>11 you know who Keasha Trawick is?<br/>12 A. Yes.<br/>13 Q. Am I pronouncing that right?<br/>14 A. Mm-hmm. Yes.<br/>15 Q. Who is Keasha Trawick?<br/>16 A. She's used to be a former employee of the<br/>17 Register of Wills.<br/>18 Q. Was your relationship with her strictly<br/>19 professional or did you have a friendship with her?<br/>20 A. I had a friendship with her and a<br/>21 professional relationship, both.<br/>22 Q. She submitted an Affidavit -- Sworn<br/>23 Declaration, actually, in the Mark Wilson case.<br/>24 Have you had an opportunity to see that Declaration?<br/>25 A. Yes.</p>                   |

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| <p style="text-align: right;">Page 90</p> <p>1 Q. Okay. I'll show it to you. We'll mark it</p> <p>2 as Exhibit No. 6.</p> <p>3 - - -</p> <p>4 (Exhibit-6 was marked for identification.)</p> <p>5 - - -</p> <p>6 BY MR. GOSLEE:</p> <p>7 Q. This is the Affidavit you have previously</p> <p>8 seen that was filed in the Mark Wilson matter.</p> <p>9 MR. HATCHETT: I'll just place a standing</p> <p>10 objection --</p> <p>11 <b>THE WITNESS: You asked me a question?</b></p> <p>12 MR. HATCHETT: No. I just want to place a</p> <p>13 standing objection on the record regarding any</p> <p>14 questions concerning this document to this</p> <p>15 witness.</p> <p>16 MR. GOSLEE: What's the objection, legal</p> <p>17 objection?</p> <p>18 MR. HATCHETT: Well, it depends on the</p> <p>19 questions that are asked. There's some</p> <p>20 information in here that Ms. Gordon may not</p> <p>21 have any knowledge regarding it, so it would</p> <p>22 call for speculation. At least -- but that's</p> <p>23 why it's a standing objection, depending on the</p> <p>24 question that you ask. I don't want to go</p> <p>25 question by question and interrupt your</p>   | <p style="text-align: right;">Page 92</p> <p>1 campaign Treasurer. Do you see that?</p> <p>2 <b>A. Yup. Yes.</b></p> <p>3 Q. Was Ms. Trawick, in fact, your campaign</p> <p>4 Treasurer?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. And, in fact, were you friends for 30</p> <p>7 years dating back to college?</p> <p>8 <b>A. Off and on, yes.</b></p> <p>9 Q. Did you have any sort of falling out with</p> <p>10 your relationship with Ms. Trawick after becoming</p> <p>11 Register of Wills?</p> <p>12 <b>A. I wouldn't say falling out, but I had some</b></p> <p>13 <b>concerns with some medical issues that she wouldn't</b></p> <p>14 <b>address.</b></p> <p>15 Q. Okay. Any medical issues that would</p> <p>16 impact her cognitively or ability to tell the truth?</p> <p>17 <b>A. Yeah. She had an addiction to -- I forget</b></p> <p>18 <b>the -- Percocet. She had an addiction. Because she</b></p> <p>19 <b>had anxiety. So I was really -- and drinking. So I</b></p> <p>20 <b>was really concerned about that as a personal</b></p> <p>21 <b>friend.</b></p> <p>22 Q. And did she -- and I'm not trying to delve</p> <p>23 too much into her personal life. But were you</p> <p>24 concerned about that potential addiction at the time</p> <p>25 you hired her as campaign manager or some time</p> |
| <p style="text-align: right;">Page 91</p> <p>1 deposition.</p> <p>2 MR. GOSLEE: Okay. I just wanted to make</p> <p>3 sure that there was no specific objection that</p> <p>4 I could deal with, but it sounds like you're</p> <p>5 just concerned about potential speculation or</p> <p>6 lack of knowledge and knowledge; is that fair?</p> <p>7 MR. HATCHETT: That's fair.</p> <p>8 MR. GOSLEE: Okay.</p> <p>9 BY MR. GOSLEE:</p> <p>10 Q. All right. I'm gonna go through this</p> <p>11 quickly for -- was there anything you saw in this</p> <p>12 Affidavit that you disagreed with?</p> <p>13 <b>A. Yeah.</b></p> <p>14 Q. Okay. What jumps out at you as something</p> <p>15 you disagree with, with respect to this Affidavit?</p> <p>16 <b>A. No. 5.</b></p> <p>17 Q. Okay. Anything else?</p> <p>18 <b>A. Six, 7, 8, 11, 14.</b></p> <p>19 Q. Okay. I just want to go quickly through a</p> <p>20 couple of these. Paragraph 2 she wrote, I began my</p> <p>21 work with the City when Tracey Gordon was beginning</p> <p>22 her campaign to be elected Register of Wills.</p> <p>23 Because I had been a personal friend of Tracey</p> <p>24 Gordon's dating back 30 years when we were in</p> <p>25 college, I volunteered to be Tracey Gordon's</p> | <p style="text-align: right;">Page 93</p> <p>1 later?</p> <p>2 <b>A. Both. Because she -- she was having --</b></p> <p>3 <b>she has -- she have issues -- she had issues with,</b></p> <p>4 <b>um, uh, anxiety. So she was taking -- she wouldn't</b></p> <p>5 <b>go to the doctor, she would just take illicit pills</b></p> <p>6 <b>for it. And she wasn't supposed to drink, so that</b></p> <p>7 <b>makes her a lot nervous. So, yeah, I -- yeah, I had</b></p> <p>8 <b>some concerns about my friend.</b></p> <p>9 Q. Okay. Did you have concerns about her</p> <p>10 ability to run your campaign?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Looks like she was hired.</p> <p>13 <b>A. She was a volunteer.</b></p> <p>14 Q. With respect to the campaign?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Okay. Paragraph 3 says, I was then hired</p> <p>17 directly by the City of Philadelphia. My official</p> <p>18 title was Executive Administrator to the Register of</p> <p>19 Wills.</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. You hired her for that position?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Did you have any concerns about her health</p> <p>24 or addiction when you hired her for that position?</p> <p>25 <b>A. No, because she wasn't drinking. She</b></p>   |



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| <p style="text-align: right;">Page 94</p> <p>1 stopped.</p> <p>2 Q. Okay.</p> <p>3 A. And it didn't impede in the beginning on</p> <p>4 her work. It didn't impede on it. So, you know, it</p> <p>5 just...</p> <p>6 Q. Okay.</p> <p>7 A. You know, she has anxiety. And I wasn't a</p> <p>8 doctor or anything like that. I was concerned about</p> <p>9 it, you know, but, you know, she seemed to have it</p> <p>10 under control.</p> <p>11 Q. Okay. Would it be fair to say that, at</p> <p>12 the time she became your campaign Treasurer and the</p> <p>13 time that you hired her as the Executive</p> <p>14 Administrator to the Register of Wills, at that</p> <p>15 time, would it be fair to say that you did not have</p> <p>16 any concerns about her ability to do her job or be</p> <p>17 truthful and honest as a result of her addiction?</p> <p>18 A. At the time that I hired her, I always had</p> <p>19 concerns with somebody that has addiction problems</p> <p>20 and personal problems. She had personal problems.</p> <p>21 Her mother lived with her and did it together. Her</p> <p>22 mother was highly addicted. So I -- she -- she had</p> <p>23 -- she had stress problems.</p> <p>24 Q. I understand. Did you have any concerns</p> <p>25 about, at the time you hired her now at a Register</p> | <p style="text-align: right;">Page 96</p> <p>1 A. Not in the beginning.</p> <p>2 Q. At some point, did you receive complaints</p> <p>3 about her performance while you were the Register?</p> <p>4 A. Well, not performance, but the fact that</p> <p>5 she wasn't coming to work.</p> <p>6 Q. Okay.</p> <p>7 A. She was missing a lot of time.</p> <p>8 Q. When did you start receiving those</p> <p>9 complaints?</p> <p>10 A. That was right close to she -- when she</p> <p>11 resigned, right around that time.</p> <p>12 Q. Okay. Do you recall when she resigned?</p> <p>13 A. No.</p> <p>14 Q. Did she tell you why she was resigning?</p> <p>15 A. Yeah.</p> <p>16 Q. What did she say?</p> <p>17 A. Well, we recommended that she take a leave</p> <p>18 of absence for medical. She -- at first she</p> <p>19 recommended she wanted to take a leave of absence</p> <p>20 for medical to take care of her mother. Because her</p> <p>21 mother was addicted and, you know, she was concerned</p> <p>22 that her mother, you know, was losing her purse,</p> <p>23 was, you know, falling in the streets. Like, she</p> <p>24 just was really nervous about that. So originally</p> <p>25 she was supposed to -- she had -- she was supposed</p>  |
| <p style="text-align: right;">Page 95</p> <p>1 of Wills, did you have a concerns that her addiction</p> <p>2 would impact or impede or ability to do her job?</p> <p>3 A. No, I didn't. No, as long as she didn't</p> <p>4 drink.</p> <p>5 Q. Okay. And how did she perform in terms of</p> <p>6 her job with the Register of Wills?</p> <p>7 A. I never got any complaints from her</p> <p>8 supervisor.</p> <p>9 Q. Did she report to you or did she report to</p> <p>10 somebody else?</p> <p>11 A. She reported to somebody else.</p> <p>12 Q. Okay. During the time --</p> <p>13 A. She didn't -- she was supposed to report</p> <p>14 to, at the time, my Chief of Staff. But she</p> <p>15 expressed that my former Chief of Staff was, like,</p> <p>16 really making her anxious, so I just let her stay</p> <p>17 over in Inheritance Tax. And she seemed to like it</p> <p>18 there.</p> <p>19 Q. Okay. And who was your former Chief of</p> <p>20 Staff?</p> <p>21 A. It was Regina Hairston.</p> <p>22 Q. Okay. So, as far as you recall, during</p> <p>23 the time you were the Register of Wills, you did not</p> <p>24 receive any complaints from Keasha Trawick's</p> <p>25 supervisor as to her performance; is that fair?</p>   | <p style="text-align: right;">Page 97</p> <p>1 to take a leave of absence because of her situation</p> <p>2 with her mother. And then after that, she didn't</p> <p>3 take it. We were like -- you know, we expected she</p> <p>4 was -- she had gave Charmaine a date and then she</p> <p>5 just stopped coming to work. And one day I was</p> <p>6 concerning about her. I went over to her house and</p> <p>7 she didn't really look good.</p> <p>8 Q. Do you recall when this was, what year?</p> <p>9 A. So it was in 2023. Yeah, around --</p> <p>10 around, yeah, 2023. Like, in April. March or</p> <p>11 April. Yeah, March or April. Because we hadn't</p> <p>12 heard from her. She didn't call in. And the thing</p> <p>13 about the office is, you know, some -- you know,</p> <p>14 they knew that we were close so they wouldn't -- you</p> <p>15 know, they would come to me and say, hey, is Keasha</p> <p>16 all right, she's not -- or I would walk by and not</p> <p>17 seeing her saying is Keasha in. And she -- you</p> <p>18 know, I went by her house and, um, she just -- she</p> <p>19 was having an anxiety attack.</p> <p>20 Q. Okay. Was that shortly before or around</p> <p>21 the time she resigned, if you know?</p> <p>22 A. Yeah.</p> <p>23 Q. Did she ever tell you why she resigned?</p> <p>24 A. No. But we were recommending that she go</p> <p>25 on medical leave so she can get -- get herself</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 together and take care of her mother, and she didn't</p> <p>2 want to do the medical leave.</p> <p>3 Q. Who was recommending that, you and who</p> <p>4 else?</p> <p>5 A. And HR.</p> <p>6 Q. Charmaine Collins?</p> <p>7 A. Mm-hmm.</p> <p>8 Q. And your recollection is that you and</p> <p>9 Charmaine recommended medical leave both so she</p> <p>10 could take care of her mother?</p> <p>11 A. Well, she recommended. She went to</p> <p>12 Charmaine and me. At first she recommend and I</p> <p>13 agreed. I said, yes, take a leave of absence, take</p> <p>14 care of your mom. Because she -- she had set it up</p> <p>15 with Charmaine and everything. She was supposed to</p> <p>16 leave and everything. And then, um, uh, she changed</p> <p>17 her mind.</p> <p>18 Q. Meaning, she didn't take the leave?</p> <p>19 A. Right.</p> <p>20 Q. Right. But, as you recall it, she wanted</p> <p>21 to take a leave or suggested that she takes a leave</p> <p>22 so she could take care of her mother?</p> <p>23 A. And herself, yes.</p> <p>24 Q. Did she say that to you, I want to take</p> <p>25 care of myself?</p>                  | <p style="text-align: right;">Page 100</p> <p>1 Charmaine?</p> <p>2 A. Me, Charmaine and her direct supervisor.</p> <p>3 She had told us that she was gonna go on medical</p> <p>4 leave.</p> <p>5 Q. So after she resigned, you've talked to</p> <p>6 her a few times, is your recollection? I'm not</p> <p>7 holding you to a specific number.</p> <p>8 A. I haven't talked to her -- I don't believe</p> <p>9 I even talked to her after she resigned. Because I</p> <p>10 was upset with her. Because I was like, why quit.</p> <p>11 Take the medical leave, Keasha, you need the money.</p> <p>12 Q. Fair to say you never talked to her about</p> <p>13 what's in this sworn Affidavit?</p> <p>14 A. Oh, never.</p> <p>15 Q. No?</p> <p>16 A. I was told -- no.</p> <p>17 Q. Okay. Looking at No. 5, in this Affidavit</p> <p>18 is one of the paragraphs you said you disagreed</p> <p>19 with. There were often campaign -- well, why don't</p> <p>20 you tell me what you disagree with.</p> <p>21 A. Because I never put -- applied pressure</p> <p>22 for any of the employees at the Register of Wills to</p> <p>23 contribute to my campaign ever.</p> <p>24 Q. Okay.</p> <p>25 A. As a matter of fact, I made sure that I</p> |
| <p style="text-align: right;">Page 99</p> <p>1 A. No, she said she wanted to take care --</p> <p>2 yeah. Her -- yeah. Because she was just -- like,</p> <p>3 she was nervous, shaking. And she was really</p> <p>4 nervous about getting a phone call that they was</p> <p>5 gonna find her mother dead. So that was taking a</p> <p>6 toll on Keasha and we could all see it.</p> <p>7 Q. Okay.</p> <p>8 A. So she exhausted all her time. And, you</p> <p>9 know, I was like, hey -- I recommended -- yeah,</p> <p>10 won't you take a leave of absence. Take a medical</p> <p>11 leave of absence so you can take care of yourself</p> <p>12 and your mother.</p> <p>13 Q. Okay. And then she -- at some point, she</p> <p>14 resigned?</p> <p>15 A. Yeah.</p> <p>16 Q. Did you speak to her again after she</p> <p>17 resigned?</p> <p>18 A. A few times, yeah.</p> <p>19 Q. Do you know why she resigned? Did she</p> <p>20 tell you why?</p> <p>21 A. No, she didn't tell me why she resigned.</p> <p>22 Actually, we all were shocked. We thought she was</p> <p>23 gonna take the medical leave that she was prepared</p> <p>24 for.</p> <p>25 Q. When you say we, you're talking you and</p> | <p style="text-align: right;">Page 101</p> <p>1 had Ethics Board from the state come down and talk</p> <p>2 to them about political activities. And we sent out</p> <p>3 letters every month. I mean, every -- during</p> <p>4 political time. Because it was a political office.</p> <p>5 Because it's politicians that work in the office.</p> <p>6 And --</p> <p>7 Q. Politicians, meaning, like, the Register</p> <p>8 of Wills?</p> <p>9 A. No, like, committee people and ward</p> <p>10 leaders. Elected officials worked in Register of</p> <p>11 Wills.</p> <p>12 Q. Okay.</p> <p>13 A. That's the only office in the City that</p> <p>14 could actually be involved in political activity and</p> <p>15 be elected.</p> <p>16 Q. Right.</p> <p>17 A. And run for offices without having to</p> <p>18 resign.</p> <p>19 Q. The guys in the records department,</p> <p>20 though, Mark Wilson, Nick Barone, they were not</p> <p>21 politicians as far as you know, correct?</p> <p>22 A. I don't -- I don't think so. But Mark did</p> <p>23 worked campaigns.</p> <p>24 Q. He worked on your campaign?</p> <p>25 A. And he worked on other campaigns, too.</p>   |



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| <p style="text-align: right;">Page 102</p> <p>1 Q. Okay. All right. You said that you asked<br/>2 for the Board of Ethics to come down and talk to<br/>3 people who worked in the office?<br/>4 A. Absolutely, yes.<br/>5 Q. When did that happen, what year?<br/>6 A. The first -- very first year. Right<br/>7 before COVID hit. I had them, like, the first week<br/>8 that I got -- that I was in the office I had them<br/>9 come down to talk to them and talk to the employees<br/>10 and let them know, hey, you know, he's here, ask any<br/>11 questions you want about politics, anything that you<br/>12 need to ask, and then he will clarify -- he would go<br/>13 over the ethics book with them.<br/>14 Q. Who was it, do you recall the name?<br/>15 A. I forgot his name.<br/>16 Q. Were there specific employees that you<br/>17 were concerned about in terms of --<br/>18 A. Everybody.<br/>19 Q. You wanted everyone --<br/>20 A. But mainly me, my protection. I was<br/>21 really concerned about Tracey Gordon. So I wouldn't<br/>22 get caught up and be in the news for political<br/>23 pressures or doing campaign and being political, you<br/>24 know, while we're on the job. So I specifically did<br/>25 that to clarify so no one would feel like they were</p> | <p style="text-align: right;">Page 104</p> <p>1 not Keasha Trawick and I know you can't get inside<br/>2 of her brain. But sitting here now, do you have any<br/>3 reason as to why she would suggest that you<br/>4 frequently applied pressure to employees to<br/>5 contribute to your campaign?<br/>6 A. Maybe she's disgruntled.<br/>7 Q. Did she ever express to you that she was<br/>8 disgruntled?<br/>9 A. Yeah.<br/>10 Q. Tell me about that, when she expressed<br/>11 that she was disgruntled to you.<br/>12 A. She is disgruntled because she -- I felt<br/>13 that she should take a medical leave to get herself<br/>14 together. Because she was at the end. She was a<br/>15 mess. She wasn't even coming to work everyday.<br/>16 Q. Okay.<br/>17 A. She was real nervous, she was shaking.<br/>18 She, you know, couldn't hold her papers. And, you<br/>19 know, they looked in -- through her desk and they<br/>20 came to me later and said she had all kinds of<br/>21 paperwork that she was hiding that she didn't<br/>22 complete. The employees coming to me, they going to<br/>23 do it now after -- and said a check, you know, from<br/>24 a lawyer that we was looking to -- for, for months,<br/>25 was sitting in the bottom of her draw.</p> |
| <p style="text-align: right;">Page 103</p> <p>1 pressured to do anything.<br/>2 Q. Okay. And to make sure everyone knew that<br/>3 they were not pressured to do anything politically,<br/>4 including potentially contributions to your<br/>5 campaign?<br/>6 A. Anything. Anything political. Anything.<br/>7 Q. All right.<br/>8 A. Anything. Talking to, um, um, um -- it's<br/>9 people in there that actually worked on campaigns.<br/>10 And people there actually ran for office while they<br/>11 were working there. So I wanted to make it clear<br/>12 that you are not to be using this office for your<br/>13 political endeavors, so that's why.<br/>14 Q. Do you think, sitting here today, that you<br/>15 did an effective job of separating your<br/>16 responsibilities as Register of Wills from your<br/>17 campaign activities?<br/>18 MR. HATCHETT: Objection to the form of<br/>19 the question. You can respond.<br/>20 THE WITNESS: Yes.<br/>21 BY MR. GOSLEE:<br/>22 Q. You kept those two spheres completely<br/>23 separated?<br/>24 A. Absolutely.<br/>25 Q. Okay. Do you know why -- I know you're</p>   | <p style="text-align: right;">Page 105</p> <p>1 Q. Right.<br/>2 A. Because she, you know, probably was hiding<br/>3 it because she, you know -- because they shared<br/>4 work. So she didn't -- she probably hid it, you<br/>5 know. I don't know why she hid it.<br/>6 Q. That was after the fact, that was after<br/>7 she had left?<br/>8 A. Yeah. That was after, yes.<br/>9 Q. But you hired her for her position at the<br/>10 Register, correct?<br/>11 A. Absolutely, I hired her, yes.<br/>12 Q. You think she might have been disgruntled<br/>13 that you suggested that she take medical leave?<br/>14 A. Listen, I personally felt as a friend and<br/>15 as her boss, I've seen things. Like, she need --<br/>16 you need to go get yourself together mentally,<br/>17 medically and take a medical leave and come back. I<br/>18 recommended that. Sometimes people don't want that<br/>19 recommendation like that, you know.<br/>20 Q. When you recommended that to her, did she<br/>21 seem upset and agitated by the recommendation?<br/>22 A. At first she didn't because she had<br/>23 agreed. She had agreed. She was setting it up.<br/>24 She had a date and everything.<br/>25 Q. Did you have concerns -- when you made</p>                         |

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| <p style="text-align: right;">Page 106</p> <p>1 that recommendation that she take medical leave, did</p> <p>2 you have concern performance concerns? Did you have</p> <p>3 any concerns that she was not able to perform her</p> <p>4 job at an adequate level?</p> <p>5 A. I didn't have performance concerns. I had</p> <p>6 concerns about her health.</p> <p>7 Q. Right.</p> <p>8 A. Her physical and mental health.</p> <p>9 Q. Right.</p> <p>10 A. The girl is very smart. She's a college</p> <p>11 graduate. She -- she's at the top of her game,</p> <p>12 that's why I hired her.</p> <p>13 Q. Yeah.</p> <p>14 A. You know, I hadn't seen Keasha for years,</p> <p>15 like, 30 years. We went to college together, but we</p> <p>16 haven't seen each other for 20 years and -- until</p> <p>17 Facebook. And I -- of course, you know, I had a</p> <p>18 beer bucket -- what you call it. I needed a</p> <p>19 Treasurer and I knew she was good with numbers. She</p> <p>20 was an accountant. That's what she majored in.</p> <p>21 And, um, I was, like, hey, would you help volunteer</p> <p>22 for me.</p> <p>23 Q. College graduation and when you hired her,</p> <p>24 had you seen her or had any relationship with her in</p> <p>25 that gap?</p> | <p style="text-align: right;">Page 108</p> <p>1 this Affidavit, in your experience, as a friend of</p> <p>2 Ms. Trawick and going to college with her and</p> <p>3 knowing her for years, in your experience, would it</p> <p>4 be fair to say that she had been honest as far as</p> <p>5 you could tell?</p> <p>6 A. Yeah. I guess, yes.</p> <p>7 Q. Okay. And so I'm just about done with</p> <p>8 this document mercifully. But you're --</p> <p>9 A. I'm not because this is all...</p> <p>10 Q. Right. But -- and I know --</p> <p>11 MR. GOSLEE: Ms. Gordon, just answer the</p> <p>12 question.</p> <p>13 THE WITNESS: Yeah.</p> <p>14 BY MR. GOSLEE:</p> <p>15 Q. I know you're not Ms. Trawick and I know</p> <p>16 you can't get into her brain. But the best you</p> <p>17 figure it, she may have included this false</p> <p>18 information about you pressuring employees to</p> <p>19 contribute because she was upset that you suggested</p> <p>20 she take medical leave?</p> <p>21 A. No. Upset, as she put that, her friend,</p> <p>22 Mr. Wilson, who they all considered -- it was like,</p> <p>23 this is our inner circle, why did you let him go.</p> <p>24 Q. Yeah.</p> <p>25 A. So did you see this, she said, she wasn't</p> |
| <p style="text-align: right;">Page 107</p> <p>1 A. No.</p> <p>2 Q. So when she said that you guys were</p> <p>3 friends for 30 years, that's technically true, but</p> <p>4 it wasn't a continuous 30 years?</p> <p>5 A. Right.</p> <p>6 Q. All right.</p> <p>7 A. She threw it around a lot. But I wouldn't</p> <p>8 say anything. But I hadn't seen Keasha since 1998.</p> <p>9 We graduated in '94. From 1998 up until I ran, I</p> <p>10 seen her one time from 1998 until 2019.</p> <p>11 Q. Okay. Like, when Ms. Trawick -- from what</p> <p>12 you know of her, when Ms. Trawick is healthy, she's</p> <p>13 smart and competent; is that fair?</p> <p>14 A. Absolutely.</p> <p>15 Q. Not with standing your disagreements with</p> <p>16 this Affidavit, in your experience, she had also</p> <p>17 been honest?</p> <p>18 A. I don't see why she wouldn't be.</p> <p>19 Q. I'm saying, in your experience in knowing</p> <p>20 her, setting aside what's -- I know you disagreed</p> <p>21 what's in this Affidavit.</p> <p>22 A. Yeah, because it's false.</p> <p>23 Q. I understand. I understand your</p> <p>24 perspective on that. I'm not gonna fight you on it.</p> <p>25 I'm just saying, not withstanding what she wrote in</p>                     | <p style="text-align: right;">Page 109</p> <p>1 notified. She wasn't -- you know, because we all</p> <p>2 started together. You know, so it was no one left</p> <p>3 but me and her.</p> <p>4 Q. So you think --</p> <p>5 A. From the team.</p> <p>6 Q. All right. So in terms of the universal</p> <p>7 potential reasons she might have said you were</p> <p>8 pressuring employees, she could have been upset with</p> <p>9 you about suggesting medical leave or she might have</p> <p>10 been upset that you fired her friend, Mark Wilson?</p> <p>11 A. Yeah, our friend.</p> <p>12 Q. Is that all you can think of at this</p> <p>13 moment? Is there anything else?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. By the way, Ms. Trawick was she</p> <p>16 also friends with Nick Barone, if you know?</p> <p>17 A. She didn't even know Nick Barone.</p> <p>18 Q. She didn't know Nick. Okay.</p> <p>19 A. I don't even know if she ever seen him.</p> <p>20 Q. All right. You can set that document</p> <p>21 aside. I'm gonna show you what I'll mark as Exhibit</p> <p>22 No. 7. I'll be very brief with this one.</p> <p>23 - - -</p> <p>24 (Exhibit-7 was marked for identification.)</p> <p>25 - - -</p>  |

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| <p style="text-align: right;">Page 110</p> <p>1 BY MR. GOSLEE:</p> <p>2 Q. Exhibit No. 7, Ms. Gordon, is a one-page</p> <p>3 Memo that was produced by the Defendant in the case.</p> <p>4 The Bates number is DEFENSEB02054. Do you recognize</p> <p>5 this document, ma'am?</p> <p>6 A. Yes.</p> <p>7 Q. What are we looking at here?</p> <p>8 A. This was a Memo that was sent to all staff</p> <p>9 for -- at the time, for anybody that was running for</p> <p>10 office.</p> <p>11 Q. And the date on this Memo is December 8th</p> <p>12 of 2022. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. And it looks like that's Charmaine</p> <p>15 Collins's signature at the bottom?</p> <p>16 A. Yes.</p> <p>17 Q. Who drafted this document?</p> <p>18 A. Charmaine did.</p> <p>19 Q. Do you know why, why she drafted this</p> <p>20 document?</p> <p>21 A. Well, this document -- it should be three</p> <p>22 more of these. We send them out every year.</p> <p>23 Q. Yeah, there's a couple. Yeah.</p> <p>24 A. Okay.</p> <p>25 Q. I'm just showing you this particular one.</p>   | <p style="text-align: right;">Page 112</p> <p>1 Q. The second bullet point, solicitation on</p> <p>2 Register of Wills time strictly prohibited. Is</p> <p>3 that -- what does that mean, solicitation, financial</p> <p>4 solicitation?</p> <p>5 A. Anything.</p> <p>6 Q. Okay.</p> <p>7 A. Don't talk about it on the job. I was</p> <p>8 told by Ethics that you -- they were allowed to tell</p> <p>9 an employee -- you know, tell an employee step out</p> <p>10 and take a break and then say, hey, you know, here's</p> <p>11 a, um -- you know, here's a flyer, the Register of</p> <p>12 Wills was having something. But absolutely not.</p> <p>13 And that's why I put it in writing.</p> <p>14 Q. Right.</p> <p>15 A. So if anybody got caught doing this, I</p> <p>16 didn't approve it.</p> <p>17 Q. And you, obviously, personally knew that</p> <p>18 solicitations, as the Register of Wills, you knew</p> <p>19 personally would be inappropriate, yes?</p> <p>20 A. That's why I put this Memo out.</p> <p>21 Q. Right. And you knew from the Ethics, the</p> <p>22 Ethics Board, that, if you, as the Register of</p> <p>23 Wills, went and solicited from your employees</p> <p>24 donations for your political campaign, you would</p> <p>25 have known that was inappropriate?</p> |
| <p style="text-align: right;">Page 111</p> <p>1 A. Like I told you before, I didn't want</p> <p>2 anybody to feel like -- we did it mainly because</p> <p>3 people were running for office. And I didn't want</p> <p>4 to get no news coming in that somebody was running</p> <p>5 for office and working at the same time. Because it</p> <p>6 was COVID at the time and it was a slippery slope.</p> <p>7 Because people were running for office and they was</p> <p>8 working remote. And it was, like, word, like,</p> <p>9 people saying, you know, well, when are you getting</p> <p>10 your petitions when you're supposed to be at work.</p> <p>11 So we had to be real careful. Because I didn't</p> <p>12 want -- because it's a small world here in</p> <p>13 Philadelphia. So I was always trying to avoid the</p> <p>14 news. So, yeah, this was just a reminder.</p> <p>15 Q. And the first bullet point gets to that</p> <p>16 point campaign on Register of Wills time is strictly</p> <p>17 prohibited. If I hear your testimony correctly,</p> <p>18 that was your effort to remind employees who may</p> <p>19 have political aspirations, you gotta separate your</p> <p>20 job at the Register from your political activities,</p> <p>21 yes?</p> <p>22 A. Yes.</p> <p>23 Q. And you were also mindful of separating</p> <p>24 those two spheres as well?</p> <p>25 A. Absolutely.</p> | <p style="text-align: right;">Page 113</p> <p>1 A. That's why this was put out.</p> <p>2 Q. The answer to the question is, yes?</p> <p>3 A. Absolutely.</p> <p>4 Q. All right. You can set that aside. I'm</p> <p>5 gonna hand you what I'll mark as No. 8.</p> <p>6 - - -</p> <p>7 (Exhibit-8 was marked for identification.)</p> <p>8 - - -</p> <p>9 BY MR. GOSLEE:</p> <p>10 Q. This is an Affidavit, again, from the</p> <p>11 Wilson -- I should say Declaration from the Wilson</p> <p>12 matter from Thomas Campion. Have you seen this</p> <p>13 document before, ma'am?</p> <p>14 A. Yes.</p> <p>15 Q. I'll ask you some similar questions I</p> <p>16 asked you with respect to Ms. Trawick's declaration.</p> <p>17 Is there anything in here that you disagree with?</p> <p>18 A. Definitely No. 5.</p> <p>19 Q. Five and all the bullet points underneath</p> <p>20 there; is that right?</p> <p>21 A. Yep.</p> <p>22 Q. Okay. You ready?</p> <p>23 A. I been ready.</p> <p>24 Q. I'm sorry. You disagree with what's in</p> <p>25 No. 5, including the bullet points. Anything else</p>   |

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| <p style="text-align: right;">Page 114</p> <p>1 in here that you disagree with?</p> <p>2 A. Yes. Five and all the bullet points under</p> <p>3 that, 6, 7. Anything Tom Campion, I disagree with.</p> <p>4 Q. Do you have any personal concerns about</p> <p>5 Mr. Campion's propensity for the truth?</p> <p>6 A. Disgruntled employee.</p> <p>7 Q. Okay. Anything else? What was he</p> <p>8 disgruntled about?</p> <p>9 A. Well, he was disgruntled that we took his</p> <p>10 power away because he couldn't supervise. He could</p> <p>11 not supervise.</p> <p>12 Q. Yeah. And he's got -- sorry. I</p> <p>13 interrupted you.</p> <p>14 A. He couldn't supervise.</p> <p>15 Q. Okay. And he's got his own litigation</p> <p>16 going. We don't need to get into that now.</p> <p>17 Focusing on Paragraph 4, though, for a moment. He</p> <p>18 wrote, both Wilson and Barone performed their jobs</p> <p>19 very well. They were well-liked and worked hard.</p> <p>20 They had no disciplinary concerns. But they both --</p> <p>21 they were both terminated in or about mid-2022. Do</p> <p>22 you see that?</p> <p>23 A. Yeah.</p> <p>24 Q. And you had a little chuckle there. What</p> <p>25 was that about?</p>  | <p style="text-align: right;">Page 116</p> <p>1 refusing to deliver --</p> <p>2 A. I didn't say often. I said he complained</p> <p>3 that Nick and Mark didn't get along with one another</p> <p>4 and they had some issues. I didn't say often.</p> <p>5 Q. You're right. I think you said just one</p> <p>6 occasion?</p> <p>7 A. I didn't say often. And I said they gave</p> <p>8 me, personally, attitude one time, which I, you</p> <p>9 know.</p> <p>10 Q. That was not -- the attitude he gave you</p> <p>11 the one time, that was not one of the bases for you</p> <p>12 firing him?</p> <p>13 A. No, no. I fired him, again, because he</p> <p>14 refused to do his work.</p> <p>15 Q. Right. And that he refused to deliver</p> <p>16 records or mail when he was requested?</p> <p>17 A. Yeah, his work. Yes.</p> <p>18 MR. HATCHETT: I'm sorry, Counsel. I just</p> <p>19 have to -- Ms. Gordon.</p> <p>20 THE WITNESS: Yes.</p> <p>21 MR. HATCHETT: I know we've been going at</p> <p>22 this for a little bit. But the stenographer</p> <p>23 can only take down one question -- I'm sorry.</p> <p>24 Question, answer, or one person speaking at a</p> <p>25 time, all right. Just try to be mindful of</p>   |
| <p style="text-align: right;">Page 115</p> <p>1 A. Did you get all the reports from the HR</p> <p>2 documentation, and that they weren't doing the work?</p> <p>3 Q. There's documentation that Nick Barone</p> <p>4 wasn't doing work?</p> <p>5 A. Archives, including Nick Barone, were not</p> <p>6 doing the work.</p> <p>7 Q. So --</p> <p>8 A. That's why -- that's why they -- that's</p> <p>9 why we let them go. It wasn't -- it had nothing</p> <p>10 with campaigning. First of all, I didn't even know</p> <p>11 they didn't contribute. I never knew. I never</p> <p>12 asked, you know. It's plenty of people that didn't</p> <p>13 contribute still working there right now, why didn't</p> <p>14 they get terminated. They were terminated because</p> <p>15 they didn't -- they had performance issues.</p> <p>16 Q. So --</p> <p>17 A. This not coming from me because I don't</p> <p>18 work with them. This is coming from Wayne Perry,</p> <p>19 the supervisor, Jermaine Curry, a supervisor, and</p> <p>20 Emilio De Gregorio, who was Chief Deputy.</p> <p>21 Q. Okay. I want to focus on Nick Barone for</p> <p>22 a second, though. You had said earlier that your</p> <p>23 recollection was that Tom Campion had complained</p> <p>24 about Nick often both fighting with -- or</p> <p>25 disagreeing with Mark about some issues, but also</p> | <p style="text-align: right;">Page 117</p> <p>1 that.</p> <p>2 THE WITNESS: Okay. Sorry about that.</p> <p>3 BY MR. GOSLEE:</p> <p>4 Q. With respect to refusal to do work, which</p> <p>5 I think you said you believe that Mr. Campion, if he</p> <p>6 was still there, was the one that made the</p> <p>7 complaint. Mr. Campion doesn't seem to reference</p> <p>8 that at all in Paragraph 4, do you know why?</p> <p>9 A. No, I don't know why.</p> <p>10 Q. And, in fact, I think you said that</p> <p>11 Mr. Campion -- was it Mr. Campion that recommended</p> <p>12 that Nick be terminated?</p> <p>13 A. No, I never said that.</p> <p>14 Q. Okay. He just said, Nick's not delivering</p> <p>15 mail, is refusing to do it and that was the decision</p> <p>16 you made?</p> <p>17 A. Yeah. He just said he refused to do his</p> <p>18 work.</p> <p>19 Q. Do you have any reason -- or do you have</p> <p>20 any reason -- strike that. So when Mr. Campion</p> <p>21 wrote in Paragraph 4 of his declaration that, both</p> <p>22 Wilson and Barone performed their jobs well, they</p> <p>23 were well-liked and worked very hard, they had no</p> <p>24 disciplinary concerns, that is inconsistent with</p> <p>25 your recollection because Mr. Campion told you that</p> |

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| <p style="text-align: right;">Page 118</p> <p>1 Nick was refusing to deliver records; is that right?</p> <p>2 A. This was -- he put this in writing after</p> <p>3 he got fired?</p> <p>4 Q. Are you suggesting that he did that</p> <p>5 because he was disgruntled, that he said that -- are</p> <p>6 you suggesting that Mr. Campion included Paragraph 4</p> <p>7 because he was disgruntled about getting fired?</p> <p>8 A. Yes, I believe. I believe he was a</p> <p>9 disgruntled employee.</p> <p>10 Q. Okay. Is there anybody that you can name</p> <p>11 in the office, besides Mr. Campion, that would</p> <p>12 support your position that Nick had difficulties</p> <p>13 with his relationship with Mark Wilson and refused</p> <p>14 to deliver records?</p> <p>15 A. Not the disgruntled employees.</p> <p>16 Q. Well, I ask that -- and I'm not trying to</p> <p>17 give you a hard time. But we've deposed --</p> <p>18 A. I'm not. And I'm telling, that's -- you</p> <p>19 right now nobody's gonna do it right now because I'm</p> <p>20 not there as an elected official, and they don't</p> <p>21 want to lose their jobs and their livelihood.</p> <p>22 Q. Who would -- who in the Register of Wills</p> <p>23 office would be concerned about losing their job and</p> <p>24 livelihood if they testified that Nick refused to</p> <p>25 deliver records?</p>   | <p style="text-align: right;">Page 120</p> <p>1 down there to do their work that we're paying them</p> <p>2 to do.</p> <p>3 This had nothing to do with the</p> <p>4 campaign. This had to do with work product, okay.</p> <p>5 Tax paying dollars. That's what I was concerned</p> <p>6 with. I was more concerned with effectiveness and</p> <p>7 efficiency in my office. That's how I ran it. I</p> <p>8 wasn't, like, you know -- I was laid back, you know.</p> <p>9 But we had to make sure that those lawyers, when</p> <p>10 they came in, they got their records.</p> <p>11 MR. HATCHETT: Ms. Gordon.</p> <p>12 THE WITNESS: Yes.</p> <p>13 MR. HATCHETT: I'm sorry. I thought you</p> <p>14 were finished. Go ahead.</p> <p>15 THE WITNESS: No, I'm finished.</p> <p>16 MR. HATCHETT: I just want to remind you</p> <p>17 that, to the best you can, just answer the</p> <p>18 question being posed.</p> <p>19 THE WITNESS: All right.</p> <p>20 BY MR. GOSLEE:</p> <p>21 Q. I think the question -- and I appreciate</p> <p>22 your response. I think the question I originally</p> <p>23 asked, is there anybody, either currently working at</p> <p>24 the Register or previously working at the Register,</p> <p>25 that would or could support your position that Nick</p>                           |
| <p style="text-align: right;">Page 119</p> <p>1 A. Everybody.</p> <p>2 Q. Who?</p> <p>3 A. Everybody at the Register of Wills. This</p> <p>4 is, like, a political -- you know, it's a political</p> <p>5 environment. People don't want to get involved in</p> <p>6 this. But you have testimony from Wayne Perry</p> <p>7 saying that it was a disaster down there. You have</p> <p>8 that testimony. You also have in Charmaine files</p> <p>9 where, you know, we had to keep going down there and</p> <p>10 because it was a disaster down there. You have</p> <p>11 testimony from Emilio coming to me telling me that,</p> <p>12 hey -- this was after Nick went. He said, we need</p> <p>13 to just let them all go. I wouldn't know that. I'm</p> <p>14 not their direct supervisor. They said Tom could</p> <p>15 not supervise. He -- it was just a mess. Like, it</p> <p>16 was everyday. Like, everyday they were coming in</p> <p>17 there telling me that it was a mess down there.</p> <p>18 They weren't doing their work. They -- you know,</p> <p>19 they didn't care.</p> <p>20 Wayne Perry, one of my top</p> <p>21 supervisors, which he will testify -- or maybe he</p> <p>22 already testified. He even said he was gonna quit</p> <p>23 if we didn't do something about Archives because he</p> <p>24 couldn't do his work. Milly -- Emilio was</p> <p>25 frustrated, my Chief Deputy, because he had to go</p> | <p style="text-align: right;">Page 121</p> <p>1 had personal difficulties with Mark Wilson and</p> <p>2 refused to deliver records when requested?</p> <p>3 A. That works there now?</p> <p>4 Q. Or previously worked there. Anybody.</p> <p>5 Frantically anybody in the world that you know that</p> <p>6 would have any information about that, that Nick</p> <p>7 refused to deliver mail or had difficulties.</p> <p>8 A. Yeah, I think. But I doubt he would</p> <p>9 testify. They're not gonna -- they're not gonna --</p> <p>10 they're not gonna jeopardize their job, so, no.</p> <p>11 Q. Yeah, and I get --</p> <p>12 A. They're not gonna jeopardize their job.</p> <p>13 Q. And I come back to this question. Nick's</p> <p>14 not a politician, as far as you know, right?</p> <p>15 A. It don't matter. We work in a</p> <p>16 political -- that was a political haven.</p> <p>17 Q. Do you think the job that he occupied,</p> <p>18 though, in the Records Department of Archives, you</p> <p>19 would consider that to be a potentially political</p> <p>20 position?</p> <p>21 A. All of those jobs over there were</p> <p>22 political appointments.</p> <p>23 Q. Including Nick?</p> <p>24 A. Everybody. Donatucci hired everybody.</p> <p>25 Q. Do you know why Donatucci hired Nick? Do</p> |



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| <p style="text-align: right;">Page 122</p> <p>1 you believe that as political?</p> <p>2 A. No, no. I don't know why he hired him.</p> <p>3 But everybody, that's how they hired them. They get</p> <p>4 referrals. That's how -- it's always been run that</p> <p>5 way. And they always had -- you know, they always</p> <p>6 supported campaigns.</p> <p>7 Q. The employees always supported campaigns</p> <p>8 in the past?</p> <p>9 A. Yeah, they supported Donatucci. That's</p> <p>10 how I learned that Donatucci used to raise twice a</p> <p>11 year.</p> <p>12 Q. All right. And so based on your</p> <p>13 knowledge, employees donating to the Register of</p> <p>14 Wills was something that occurred prior to you being</p> <p>15 Register of the Will?</p> <p>16 A. It was routine.</p> <p>17 Q. Okay.</p> <p>18 A. And legal.</p> <p>19 Q. What's the basis of your knowledge about</p> <p>20 the legality of that?</p> <p>21 A. Because the state told him we could -- you</p> <p>22 could be political. That's one office that you</p> <p>23 could actually be political. You could actually --</p> <p>24 you could actually -- off the job you can actually</p> <p>25 run for office, you can work on people campaign, you</p> | <p style="text-align: right;">Page 124</p> <p>1 whether he's ever held any political office or</p> <p>2 occupied any position of political power, meaning</p> <p>3 Nick Barone?</p> <p>4 A. No, I don't know anything about Nick.</p> <p>5 Q. Okay. You had an e-mail address while you</p> <p>6 were the Register?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall Mr. Campion or any other</p> <p>9 employees ever e-mailing you complaints about other</p> <p>10 employees?</p> <p>11 A. They wouldn't send the complaints for me,</p> <p>12 no.</p> <p>13 Q. They would send it for Charmaine Collins?</p> <p>14 A. Or their supervisor.</p> <p>15 Q. Okay. Do you recall receiving any</p> <p>16 complaints about specific employees from Charmaine</p> <p>17 or other supervisors via e-mail?</p> <p>18 A. I don't recall my e-mails, all my e-mails,</p> <p>19 no.</p> <p>20 Q. Okay.</p> <p>21 MR. GOSLEE: All right. Why don't we take</p> <p>22 a quick break. I might be done. Want to go</p> <p>23 over my notes.</p> <p>24 THE VIDEOGRPAHER: Going off the record at</p> <p>25 approximately 6:24 p.m.</p>   |
| <p style="text-align: right;">Page 123</p> <p>1 can participate and you can donate to people</p> <p>2 campaign without it having any political penalty.</p> <p>3 Q. Do you have any basis of -- do you have</p> <p>4 any knowledge of -- Mr. Donatucci was the previous</p> <p>5 Register?</p> <p>6 A. Yes.</p> <p>7 Q. And I think you had testified that, it's</p> <p>8 your understanding that he would expect his -- the</p> <p>9 employees of the Register office to donate to his</p> <p>10 campaign?</p> <p>11 A. Well, they just had two fundraisers a year</p> <p>12 and that's what I adopted.</p> <p>13 Q. Okay. All right. And I just want to make</p> <p>14 sure I can close this loop with respect to Nick</p> <p>15 himself. He's not a politician, as far as you know,</p> <p>16 meaning, he's never run for office?</p> <p>17 A. (Witness nods.)</p> <p>18 Q. Yes?</p> <p>19 A. Oh, I don't know if he ever ran for</p> <p>20 office. I don't know.</p> <p>21 Q. Okay. Do you --</p> <p>22 A. I don't even know if he was a committee</p> <p>23 person or not.</p> <p>24 Q. Okay. Do you have any knowledge -- okay.</p> <p>25 And that's a good way of handling it. Do you know</p>   | <p style="text-align: right;">Page 125</p> <p>1 - - -</p> <p>2 (A short break was taken.)</p> <p>3 - - -</p> <p>4 THE VIDEOGRPAHER: Back on the record at</p> <p>5 6:28 p.m.</p> <p>6 BY MR. GOSLEE:</p> <p>7 Q. All right. We've been going for three</p> <p>8 hours now. We've now completed the warmup of the</p> <p>9 deposition. Are you ready for the real deposition</p> <p>10 to get started.</p> <p>11 A. Ha, ha. Don't say that.</p> <p>12 Q. I'm joking, obviously. All right. We</p> <p>13 have been going for a while. You gave me a lot of</p> <p>14 testimony about Nick Barone and the circumstances in</p> <p>15 which he was fired. Do you have any other</p> <p>16 information or facts you would like to add as to why</p> <p>17 the circumstances -- as to why Mr. Barone was fired?</p> <p>18 A. No.</p> <p>19 Q. Have you now told me everything in your</p> <p>20 knowledge as to why Mr. Barone lost his job?</p> <p>21 A. Yes.</p> <p>22 MR. GOSLEE: Okay. All right. With that</p> <p>23 then, I don't have any further questions. And</p> <p>24 I do appreciate your time, especially at this</p> <p>25 late evening. Thank you.</p> |

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TRACEY L. GORDON and CITY OF PHILADELPHIA

TRACEY L. GORDON

|   |                 |
|---|-----------------|
| <p>1 MR. HATCHETT: Ms. Gordon, I'll ask that</p> <p>2 you don't discuss your deposition testimony</p> <p>3 with anyone. Okay.</p> <p>4 <b>THE WITNESS: Okay.</b></p> <p>5 THE VIDEOGRAPHER: This deposition is</p> <p>6 ending at 6:29 p.m.</p> <p>7 - - -</p> <p>8 (Videotaped Deposition concluded at 6:29 p.m.)</p> <p>9 - - -</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   | <p>Page 126</p> |
| <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 I hereby certify that the proceedings and</p> <p>4 evidence noted are contained fully and accurately in</p> <p>5 the notes taken by me in the deposition of the above</p> <p>6 matter, and that this is a correct transcript of the</p> <p>7 same.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 <i>Tisa R. Francis</i>-----</p> <p>15 Tisa R. Francis,</p> <p>16 Professional Court Reporter</p> <p>17</p> <p>18 (The foregoing certification of this</p> <p>19 transcript does not apply to any reproduction</p> <p>20 of the same by any means, unless under the</p> <p>21 direct control and/or supervision of the</p> <p>22 certifying reporter.)</p> <p>23</p> <p>24</p> <p>25</p> | <p>Page 127</p> |

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TRACEY L. GORDONIndex: yup..yup

106:14,15,16 107:3,4 108:3

**yup** 75:8 92:2